
தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

Wednesday, the 5th September 1928—cont.

Thursday, the 6th September 1928.

Saturday, the 8th September 1928.



PERSONNEL OF THE GOVERNMENT OF MADRAS.

Governor of Madras.

His Excellency the Rt. Hon. *Viscount* GOSCHEN OF HAWKHURST, G.C.I.E., C.B.E. Took his seat on 14th April 1924.

Members of the Executive Council.

1. The hon. Sir NORMAN MARJORIBANKS, K.C.I.E., C.S.I., I.C.S., Member in charge of Revenue. Took his seat on 27th December 1924 and is in charge of the following portfolios :--

I.—Provincial Subjects.

1. Land Revenue administration as described under the following heads, namely :—
   - (*a*) Assessment and collection of land revenue.
   - (*b*) Maintenance of land records; survey for revenue purposes; records of rights.
   - (*c*) Laws regarding land tenures; relations of landlords and tenants; collection of rents.
   - (*d*) Court of Wards, encumbered and attached estates.
   - (*e*) Land improvement and agricultural loans.
   - (*f*) Colonization and disposal of crown lands.
   - (*g*) Management of Government estates.
   - (*h*) Panchayat forests.
2. Water-supplies, irrigation and canals, drainage and embankments; water storage and water power.
3. Inland waterways including shipping and navigation thereon.
4. Economic condition including wages and prices and famine-relief.
5. Land acquisition, excepting notifications under sub-section (1) of section 4 and declarations under sub-section (1) of section 6 of the Land Acquisition Act, 1894, where the public purpose referred to in the said sub-sections appertains to a transferred subject.
6. Development of mineral resources.
7. Protection of wild birds and animals.
8. Agency tracts.
9. Pounds and prevention of cattle trespass.
10. Elections for Indian and Provincial legislatures.
11. Fortnightly reports and preliminary special reports to the Government of India.
12. General service questions.
13. Provincial Gazetteers.
14. Office procedure.
15. Secretariat.
16. Yeomiahs, inams and hereditary pensions.
17. Matters of a general nature not allocated elsewhere.

II.—Central Subjects.

1. Geological survey.
2. Mineral development.
3. Botanical survey.
4. Survey of India.
5. Zoological survey.
6. Meteorology.
7. Census and Statistics
8. All-India services.
9. Territorial changes.
10. Immovable property in possession of the Governor-General in Council.
11. Public Services Commission.
12. Reforms.

2. The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur, *Kt.*, Home Member. Took his seat on the 30th March 1925 and is in charge of the following portfolios :—

I.—Provincial Subjects.

1. Police, including Railway Police and C.I.D.
2. Regulation of betting and gambling.
3. Prevention of cruelty to animals.
4. Control of poisons.
5. Control of vehicles.
6. Control of dramatic performances and cinematographs.
7. Control of newspapers, books and printing presses.
8. Laccadives
9. European vagrancy.
10. European and Anglo-Indian education.
11. Regulation of medical and other professional qualifications and standards.
12. Government Houses ; Staff and equipment of His Excellency the Governor.
13. Stationery and Government Presses.
14. Industrial matters included under the following heads :—
    (*a*) Factories.
    (*b*) Settlement of labour disputes.
    (*c*) Boilers.
    (*d*) Gas.
    (*e*) Smoke nuisances.
    (*f*) Welfare of labour including depressed classes.
15. Criminal tribes.

II.—Central Subjects.

1. Control of petroleum and explosives.
2. Central police organization.
3. Arms and ammunition.
4. Emigration and immigration.
5. Pilgrimage to the Hedjaz.

3. The hon. Mr. T. E. MOIR, C.S.I., C.I.E., I.C.S., Finance Member. Took his seat on 27th April 1925 and is in charge of the following portfolios :—

I.—Provincial Subjects.

1. Provincial finance.
2. Pensions.
3. Local Fund audit.
4. Preservation and translation of ancient manuscripts.
5. Central Record office.

II.—Central Subjects.

1. (*a*) Defence of India.
   (*b*) Naval and Military works and cantonments.
2. External relations, including naturalization and aliens and pilgrimage beyond India except to the Hedjaz.
3. Relations with States in India.
4. Political charges.
5. Communications.
6. Posts and telegraphs and telephones, including wireless installations.
7. Sources of all-India revenues.
8. Currency and coinage.
9. Public debt of India.
10. Savings banks.
11. Indian Audit Department.
12. Commerce, including banks and insurance.
13. Trading companies and other associations.
14. Opium (central questions regarding—).
15. Central research.
16. Ecclesiastical.
17. Archæology.
18. Regulation of ceremonials, titles, order of precedence and civil uniform.
19. Subjects not allocated elsewhere.

4. The hon. Diwan Bahadur M. KRISHNAN NAYAR, Law Member. Took his seat on 25th April 1928 and is in charge of the following portfolios:—

I.—Provincial Subjects.

1. Administration of justice, including constitution, powers, maintenance and organization of courts of civil and criminal jurisdiction within the province.
2. Provincial law reports.
3. Administrator-General and Official Trustees.
4. Escheats.
5. Coroners.
6. Treasure trove.
7. Non-judicial and judicial stamps.
8. Prisons and prisoners.
9. Industrial matters included under the following head: Electricity, including hydro-electric schemes.
10. Forests (including cinchona) except panchayat forests.
11. Minor ports.

II.—Central Subjects.

1. Civil law.
2. Inventions and designs.
3. Copyright.
4. Criminal law.
5. Major ports.
6. Shipping and navigation.
7. Lighthouses.
8. Port quarantine and marine hospitals.

Ministers.

1. The hon. Dr. P. SUBBARAYAN. Took his seat on 4th December 1926 and is in charge of the following portfolios :—

(1) Education (other than European and Anglo-Indian education).
(2) Libraries, Museums and Zoological Gardens.
(3) Light and feeder Railways and Tramways within municipal areas.
(4) Local Self-Government including village panchayats.
(5) Religious and Charitable Endowments.

2. The hon. Mr. S. MUTHIAH MUDALIYAR. Took his seat on 16th March 1928 and is in charge of the following portfolios :—

(1) Adulteration of foodstuffs and other articles.
(2) Excise.
(3) Registration.
(4) Medical administration.
(5) Pilgrimages within British India.
(6) Public health and sanitation and vital statistics.
(7) Weights and measures.

3. The hon. Mr. M. R. SETURATNAM AYYAR. Took his seat on 16th March 1928 and is in charge of the following portfolios :—

(1) Agriculture.
(2) Civil Veterinary Department.
(3) Co-operative societies.
(4) Development of industries.
(5) Public Works (buildings, roads, ferries, ropeways, etc.).
(6) Fisheries.

PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE COUNCIL.

President.

The hon. Rao Bahadur C. V. S. Narasimha Raju Garu, B.A., B.L.

Deputy President.

Dr. (Mrs.) S. Muthulakshmi Reddi.

Panel of Chairmen.

Mr. Abdul Hamid Khan.
Diwan Bahadur S. Kumaraswami Reddiyar.
Mr. T. C. Srinivasa Ayyangar.
Mr. V. I. Muniswami Pillai.

Secretary to the Council.

M.R.Ry. Rao Bahadur R. V. Krishna Ayyar Avargal, B.A., M.L.

Assistant Secretary to the Council.

M.R.Ry. C. Satagopa Achariyar Avargal, B.A.

ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

	Name of member.	Name and class of constituency.
1.	Abdul Hye Sahib Bahadur, K.	Ceded Districts, Muhammadan Rural.
2.	Abdul Razack Sahib Bahadur, Khan Bahadur S. K.	North Arcot *cum* Chingleput, Muhammadan Rural.
3.	Abdul Wahab Sahib Bahadur, Munshi.	Northern Circars, Muhammadan Rural.
4.	Adinarayana Chettiyar, Bar.-at-Law, T.	North Arcot, N.-M. Rural.
5.	Anantakrishna Ayyar, Rao Bahadur C. V.	NOMINATED.
6.	Anjaneyulu, P.	Guntur, N.-M. Rural.
7.	Appavu Chettiyar, C. D. ...	Salem, N.-M. Rural.
8.	Ari Gowder, H. B.	The Nilgiris, N.-M. Rural.
9.	Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Central Districts (Indian Christian).
10.	Arpudaswami Udayar, S. ...	Tanjore and Trichinopoly *cum* Madura (Christian).
11.	Basheer Ahmad Sayeed Sahib Bahadur.	Central Districts, Muhammadan Rural.
12.	Bhaktavatsulu Nayudu, P. ...	Madras City, N.-M. Urban.
13.	Bhanoji Rao, A. V.	Vizagapatam City, N.-M. Urban.
14.	Bheemayya, J.	NOMINATED.
15.	Biswanath Das Mahasayo, Sriman.	Ganjam, N.-M. Rural.
16.	Chidambaranatha Mudaliyar, T. K.	Tinnevelly, N.-M. Rural.
17.	Congreve, C. R. T.	Madras Planters—Planting.
18.	Cotterell, C.I.E., I.C.S., C. B. ...	NOMINATED.
19.	Cotton, C.I.E., I.C.S, C. W. E.	NOMINATED.
20.	Davis, J. A.	Anglo-Indian.
21.	Dorai Raja, Rajkumar S. N. ...	NOMINATED.
22.	Ellappa Chettiyar, Rao Bahadur S.	Salem, N.-M. Rural.
23.	Ethirajulu Nayudu, Diwan Bahadur P. C.	Guntur, N.-M. Rural.
24.	Foulkes, R.	NOMINATED.
25.	Gangadhara Siva, M. V. ...	NOMINATED.
26.	Gnanavaram Pillai, P. J. ...	NOMINATED.
27.	Gopala Menon, C.	Southern India Chamber of Commerce.
28.	Govindaraja Mudaliyar, C. S. ...	Madras City, N.-M. Urban.
29.	Guruswami, Rao Sahib L. C. ...	NOMINATED.
30.	Hamid Khan Sahib Bahadur, Abdul (*Chairman*).	Madras City, Muhammadan Urban.
31.	Hampayya, Rai Sahib M. ...	NOMINATED.

Name of member.	Name and class of constituency.
32. Harisarvottama Rao, G. ...	Kurnool, N.-M. Rural.
33. John, V. Ch.	Northern Districts (Indian Christian).
34. Kaleswara Rao, A.	Kistna, N.-M. Rural.
35. Kameswara Rao Nayudu, V. ...	Ganjam, N.-M. Rural.
36. Karant, K. R.	South Kanara, N.-M. Rural.
37. Kay, Kenneth	Madras Chamber of Commerce.
38. Kesava Pillai, C.I.E., Diwan Bahadur P.	Anantapur, N.-M. Rural.
39. Khadir Mohidin Sahib Bahadur, Muhammad.	East Coast, Muhammadan Rural.
40. Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Madura and Trichinopoly *cum* Srirangam Muhammadan Urban.
41. Koti Reddi, Bar.-at-Law, K. ...	Cuddapah, N.-M. Rural.
42. Krishnan, K.	NOMINATED.
43. Krishnan Nayar, The hon. Diwan Bahadur M.	EX OFFICIO.
44. Krishnaswami Nayakar, K. V.	Chingleput, N.-M. Rural.
45. Kumara Raja of Venkatagiri (Raja Velugoti Sarvagnya Kumara Krishnayachendra Bahadur Varu).	Nellore, N.-M. Rural.
46. Kumaraswami Reddiyar, Diwan Bahadur S. (*Chairman*).	Tinnevelly, N.-M. Rural.
47. Kuppuswami, J.	Guntur, N.-M. Rural.
48. Luker, A. T.	Madras Trades Association.
49. Madhavan Nayar, K.	Malabar, N.-M. Rural.
50. Mahmud Schamnad Sahib Bahadur.	South Kanara, Muhammadan Rural.
51. Mallayya, B. S.	Madras City, N.-M. Urban.
52. Manikkavelu Nayakar, M. A. ...	North Arcot, N.-M. Rural.
53. Marjoribanks, K.C.I.E., C.S.I., I.C.S., The hon. Sir Norman.	EX OFFICIO.
54. Marudavanam Pillai, C. ...	Tanjore, N.-M. Rural.
55. Meera Ravuttar Bahadur, K. P. V. S. Muhammad.	Madura *cum* Trichinopoly, Muhammadan Rural.
56. Moidoo Sahib Bahadur, T. M.	Malabar, Muhammadan Rural.
57. Moir, C.S.I., C.I.E., I.C.S., The hon. Mr. T. E.	EX OFFICIO.
58. Muniswami Nayudu, Rao Bahadur B.	Chittoor, N.-M. Rural.
59. Muniswami Pillai, V. I. (*Chairman*).	NOMINATED.
60. Muppil Nayar of Kavalappara *alias* Kumaran Raman.	West Coast Landholders.
61. Murugappa Chettiyar, Diwan Bahadur A. M. M.	Ramnad, N.-M. Rural.
62. Muthiah Mudaliyar, The hon. Mr. S. (*Minister*).	Tanjore, N.-M. Rural.
63. Muthulakshmi Reddi, Dr. (Mrs.) (*Deputy President*).	NOMINATED.
64. Muthuranga Mudaliyar, C. N.	Chingleput, N.-M. Rural.

Name of member.	Name and class of constituency.
65. Nagan Gowda, R.	NOMINATED.
66 Nanjappah Bahadur, Subadar-Major S. A.	NOMINATED.
67. Narasimha Raju, The hon. Rao Bahadur C. V. S. (*President*).	Vizagapatam, N.-M. Rural.
68. Narayana Raju, D.	Godavari West, N.-M. Rural.
69. Narayana Rao, Mothay ...	Godavari West, N.-M. Rural.
70. Narayanan Chettiyar, Al. Ar....	Nattukkottai Nagarathars' Association.
71. Narayanan Nambudiripad, Rao Bahadur O. M.	NOMINATED.
72. Narayanaswámi Pillai, T. M. ...	Trichinopoly, N.-M. Rural.
73. Obi Reddi, C.	Anantapur, N.-M. Rural.
74. Parasurama Rao Pantulu, A. ...	Cuddapah, N.-M. Rural.
75. Parthasarathi Ayyangar, C. R.	Chittoor, N.-M. Rural.
76. Patro, *Kt.*, Rao Bahadur Sir A. P.	Ganjam, N.-M. Rural.
77. Premayya, G. R.	NOMINATED.
78. Raja of Jeypore (Maharaja Sri Ramachandra Deo).	NOMINATED.
79. Raja of Panagal, K.C.I.E. (Sir P. Ramarayaningar).	North Central Landholders
80. Rajan, P. T.	Madura, N.-M. Rural.
81. Ramachandra Padayachi, K. ...	South Arcot, N.-M. Rural.
82. Ramachandra Reddi, B. ...	Nellore, N.-M. Rural.
83. Raman Menon, K. P. ...	Malabar N.-M. Rural.
84. Ramanath Goenka	NOMINATED.
85. Ramasomayajulu, C.	Cocanada City, N.-M. Urban.
86. Ramaswami Ayyar, U. ...	Trichinopoly *cum* Srirangam, N.-M. Urban.
87. Ramjee Rao, V.	NOMINATED.
88. Ranganatha Mudaliyar, A. ...	Bellary, N.-M. Rural.
89. Ratnasabhapati Mudaliyar, Rao Bahadur C. S.	Coimbatore, N.-M. Rural.
90. Sahajanandam, Swami A. S. ...	NOMINATED.
91. Saldanha, J. A.	West Coast, Indian Christian.
92. Sami Venkatachalam Chetti ...	Madras City, N.-M. Urban.
93. Sarabha Reddi, K.	Kurnool, N.-M. Rural.
94. Satyamurti, S.	Madras University.
95. Seturatnam Ayyar, The hon. Mr. M. R. (*Minister*).	Trichinopoly, N.-M. Rural.
96. Shetty, A. B.	South Kanara, N.-M. Rural.
97. Sitarama Reddi, Rao Bahadur K.	South Arcot, N.-M. Rural.
98. Siva Raj, N.	NOMINATED.
99. Siva Rao, P.	Bellary, N.-M. Rural.
100. Sivasubrahmanya Ayyar, K. S.	Tanjore, N.-M. Rural.

	Name of member.	Name and class of constituency.
101.	Slater, C.I.E., I.C.S., S. H. ...	NOMINATED.
102.	Soundarapandia Nadar, W. P. A.	NOMINATED.
103.	Souter, I.C.S., C. A.	NOMINATED.
104	Srinivasa Ayyangar, R. ...	South Arcot, N.-M. Rural.
105.	Srinivasa Ayyangar, T. C. (*Chairman*).	Ramnad, N.-M. Rural.
106	Srinivasan, Rao Sahib R. ...	NOMINATED.
107.	Subbarayan, The hon. Dr. P. (Zamindar of Kumaramangalam) (*Minister*).	South Central Landholders.
108.	Subrahmanya Moopanar, S. ...	NOMINATED.
109.	Subrahmanya Pillai, Chavadi K.	Tinnevelly *cum* Palamcottah, N.-M. Urban.
110.	Swami, Bar.-at-Law, K. V. R.	East Godavari, N.-M. Rural.
111.	Syed Ibrahim Sahib Bahadur, Nattam Dubash Kadir Sahib.	Ramnad *cum* Tinnevelly, Muhammadan Rural.
112.	Tajudin Sahib Bahadur, Syed ...	Tanjore, Muhammadan Rural.
113.	Tampoe, I.C.S., A. McG. C. ...	NOMINATED.
114.	Thomas, Daniel	Ramnad *cum* Tinnevelly, Indian Christian.
115	Tulasiram, L. K.	Madura City, N.-M. Urban.
116.	Uppi Sahib Bahadur, K. ...	Malabar, Muhammadan.
117.	Usman Sahib Bahadur, *Kt.* The hon. Khan Bahadur Sir Muhammad.	EX OFFICIO.
118.	Vanavudaiya Goundar, S. V. ...	Coimbatore, N.-M. Rural.
119.	Venkatapati Raju, P. C. ...	Vizagapatam, N.-M. Rural.
120	Venkatarama Ayyar, K. R. ...	Madura, N.-M. Rural.
121.	Venkataramana Ayyangar, C. V.	Coimbatore, N.-M. Rural.
122.	Venkatarangam Nayudu, C. ...	North Arcot, N.-M. Rural.
123.	Venkataratnam, B.	East Godavari, N.-M. Rural.
124.	Venkiah, S.	NOMINATED
125.	Wathen, M.B.E., F. B.	Madras Chamber of Commerce.
126.	Watson, I.C.S., H. A.	NOMINATED.
127.	Wright, W. O.	European.
128.	Zamindar of Gollapalli (Srimannarayana Appa Rao Bahadur Garu, Meka).	Northern Landholders, II.
129.	Zamindar of Kallikota (Sri Ramachandra Mardaraja Deo).	Northern Landholders, I.
130.	Zamindar of Mirzapuram (Mirzapuram Raja Garu alias Venkataramayya Appa Rao Bahadur Garu).	Kistna, N.-M. Rural.
131.	Zamindar of Seithur (Vadamalai Tiruvanatha Sevuga Pandiya Tevar Avargal).	Madura, N.-M. Rural.
132.	*Vacant*	Southern Landholders.

SPECIAL MEMBERS.

133. Meston, Rev. Dr. W. ... ... NOMINATED for Bills to amend the Madras University Act.

134. Ramalinga Reddi, C. ... ... NOMINATED for Bills to amend the Andhra University Act.

135. Ramunni Menon, Diwan Bahadur K. NOMINATED for the Annamalai University Bill.

136. Smith, W. E. ... ... NOMINATED for Bills to amend the Madras University Act, the Andhra University Act and the Annamalai University Bill.



PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL.

OFFICIAL REPORT.

Third Session of the Third Legislative Council under the Government of India Act, 1919.

VOLUME XLIII.

Monday, the 3rd September 1928.

The House met at 11 o'clock, the President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Marjoribanks, K.C.I.E., C.S.I., I.C.S., The hon. Sir Norman.
Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Muhammad.
Moir, C.S.I., C.I.E., I.C.S., The hon. Mr. T. E.
Krishnan Nayar, The hon. Diwan Bahadur M.
Subbarayan, The hon. Dr. P.
Muthiah Mudaliyar, The hon. Mr. S.
Seturatnam Ayyar, The hon. Mr. M. R.
Abdul Hye Sahib Bahadur, K.
Abdul Razack Sahib Bahadur, Khan Bahadur S. K.
Adinarayana Chettiyar, Mr. T.
Anantakrishna Ayyar, Rao Bahadur C. V.
Anjaneyulu, Mr. P.
Ari Gowder, Mr. H. B.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmad Sayeed Sahib Bahadur.
Bhaktavatsulu Nayudu, Mr. P.
Bhanoji Rao, Mr. A. V.
Bheemayya, Mr. J.
Biswanath Das Mahasayo, Sriman.
Chidambaranatha Mudaliyar, Mr. T. K.
Congreve, Mr. C. R. T.
Cotton, C.I.E., I.C.S., Mr. C. W. E.
Cotterell, C.I.E., I.C.S., Mr. C. B.
Davis, Mr. J. A.
Dorai Raja, Rajkumar S. N.
Ellappa Chettiyar, Rao Bahadur S.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. R.
Gangadhara Siva, Mr. M. V.
Gnanavaram Pillai, Mr. P. J.
Gopala Menon, Mr. C.
Govindaraja Mudaliyar, Mr. C. S.
Guruswami, Rao Sahib L. C.
Hamid Khan Sahib Bahadur, Abdul.
Hampayya, Rai Sahib M.
Harisarvottama Rao, Mr. G.
John, Mr. V. Ch.
Kaleswara Rao, Mr. A.
Kameswara Rao Nayudu, Mr. V.
Karant, Mr. K. R.
Kay, Mr. Kenneth.
Kesava Pillai, C.I.E., Diwan Bahadur P.
Khadir Mohidin Sahib Bahadur, Muhammad.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Koti Reddi, Mr. K.
Krishnan, Mr. K.
Krishnaswami Nayakar, Mr. K. V.
Kumara Raja of Venkatagiri.
Kumaraswami Reddiyar, Diwan Bahadur S.
Kuppuswami, Mr. J.
Luker, Mr. A. T.
Madhavan Nayar, Mr. K.
Mahmud Schamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Manikkavelu Nayakar, Mr. M. A.
Marudavanam Pillai, Mr. C.
Moidoo Sahib Bahadur, T. M.
Muniswami Nayudu, Rao Bahadur B.
Muniswami Pillai, Mr. V. I.
Muppil Nayar of Kavalappara, Mr.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthulakshmi Reddi, Dr. (Mrs.).
Muthuranga Mudaliyar, Mr. C. N.
Nagan Gowda, Mr. R.
Nanjappa Bahadur, Subadar-Major S. A.
Narayana Raju, Mr. D.
Narayana Rao, Mr. Mothay.
Narayanan Chettiyar, Mr. Al. Ar.
Narayanaswami Pillai, Mr. T. M.
Obi Reddi, Mr. C.
Parasurama Rao Pantulu, Mr. A.
Parthasarathi Ayyangar, Mr. C. R.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Premayya, Mr. G. R.
Raja of Panagal, K.C.I.E.
Rajan, Mr. P. T.
Ramachandra Padayachi, Mr. K.
Ramachandra Reddi, Mr. B.
Raman Menon, Mr. K. P.

PRESENT—*cont.*

Ramanath Goenka, Mr.
Ramasomayajulu, Mr. C.
Ramaswami Ayyar, Mr. U.
Ranganatha Mudaliyar, Mr. A.
Ratnasabapathi Mudaliyar, Rao Bahadur C. S.
Sahajanandam, Swami A. S.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Sarabha Reddi, Mr. K.
Satyamurti, Mr. S.
Shetty, Mr. A. B.
Sitarama Reddi, Rao Bahadur K.
Siva Raj, Mr. N.
Siva Rao, Mr. P.
Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.
Soundarapandia Nadar, Mr. W. P. A.
Souter, I.C.S., Mr. C. A.
Srinivasa Ayyangar, Mr. R.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Subrahmanya Pillai, Mr. Chavadi K.
Swami, Mr. K. V. R.
Syed Ibrahim Sahib Bahadur, Nattam Dubash Kadir Sahib.
Tajudin Sahib Bahadur, Syed.
Tampoe, I.C.S., Mr. A. McG. C.
Thomas, Mr. Daniel.
Tulasiram, Mr. L. K.
Uppi Sahib Bahadur, K.
Vanavudaiya Gounder, Mr. S. V.
Venkatapathi Raju, Mr. P. C.
Venkatarama Ayyar, Mr. K. R.
Venkataramana Ayyangar, Mr. C. V.
Venkatarangam Nayudu, Mr. C.
Venkataratnam, Mr. B.
Venkiah, Mr. S.
Wathen, M.B.E., Mr. F. B.
Watson, I.C.S., Mr. H. A.
Wright, Mr. W. O.
Zamindar of Gollapalli.
Zamindar of Kallikota.
Zamindar of Mirzapuram.
Zamindar of Seithur.

I
NEW MEMBERS.

The following new members made the prescribed oath or affirmation of allegiance to the Crown and then took their seats :—

Mr. K. P. RAMAN MENON.

Khan Bahadur P. KHALIFULLA SAHIB Bahadur.

Mr. C. W. E. COTTON, C.I.E., I.C.S.

Mr. C. A. SOUTER, I.C.S.

Mr. F. B. WATHEN, M.B.E.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II
RESOLUTION OF CONDOLENCE.

* The hon. Sir NORMAN MARJORIBANKS :—" Mr. President, Sir, I beg to move

'*That an expression of the sincere regret of this Council at the death of Maharaja Raja Rajasri Bhaskara Sethupathi alias Muthuramalinga Sethupathi Avargal, the Raja of Ramnad, and of sympathy with the members of the bereaved family be placed on record and conveyed to them.*'

" Mr. President, Sir, our late colleague was the representative of one of the most ancient families in South India whose record goes back beyond historical times. The head of the family bears the title of Sethupathi conferred on his ancestors by the kings of Madura in recognition of the help afforded to the pilgrims visiting the shrine of Rameswaram. The late Raja took a prominent part in public life and he was for many years a member of both this and the pre-reform councils. He was also for several years the President of the District Board of Ramnad. He was a lover and generous patron of Tamil literature and music. His loyalty to the Crown was undoubted. During the Great War he subscribed liberally to the various war offices and was the donor of an aeroplane to His Majesty's forces in

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which he himself held an honorary commission as Captain. He was a comparatively young man and we all hoped that he had many useful years before him. Sir, I move the resolution for the acceptance of the House."

Mr. S. SATYAMURTI :—" Sir, I think it a privilege to have an opportunity of associating myself with the sentiments expressed by the Leader of the House at the sudden and early death of our friend the late Raja of Ramnad. He belonged to one of the most ancient families of South India. He was a discriminating and yet generous patron of Tamil literature and Fine Arts. His loyalty to the Crown was said to have been undoubted and there is no doubt about it. But his loyalty to his country was equally undoubted. Throughout his comparatively short life he identified himself with all the causes promoting the advancement of the country in several directions and if he had been spared I have no doubt he would have continued to play a much bigger part in the Province than he played. Unlike other members of such distinguished families he belonged to the exception rather than the rule and played a very important and strenuous part in public affairs, especially in the matter of Local Self-Government. As President of the Ramnad District Board he proved himself to be an efficient President and as a member of this Council you know, as well as hon. Members here, that at question time he was not the least active among the members of the House. To many of us who had the privilege of claiming his personal friendship his death is a personal loss. I, therefore, feel that I am voicing the sentiments of every hon. Member of this House when saying that we share the regret and sorrow at the death of this distinguished nobleman of South India. I feel it a great privilege in associating myself with this resolution."

The hon. Dr. P. SUBBARAYAN :—" Mr. President, Sir, I beg to associate myself with this motion and to me, as Mr. Satyamurti said, it is a great personal loss because I not only claimed the friendship of the Raja from my childhood but even my forefathers were friends of his forefathers. As such I feel his death is a great personal loss to me. Besides that, as Sir Norman Marjoribanks and Mr. Satyamurti have pointed out, the Raja played an important and very big part in the political life of this Province and showed to the public that the seers of the aristocracy were not a bit behind in associating themselves in public movements and that they were interested as much as any other person coming from South India. I therefore feel proud of the achievement of the Raja's career. I regret very much that it was not given to him, as Mr. Satyamurti said, to play a more important part in the public life of this Province."

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" Mr. President, I beg to associate myself cordially with the observations that have been made by the previous speakers. While I feel that the Raja has been a friend and his death is therefore a personal loss to me, I think I may well say, as the previous speakers have said, that his death is a loss to the country. The Raja took a prominent part in the public life of this country and in his death, so young as he was, we along with the country mourn. I wish to associate myself cordially, with all that has been said by the previous speakers."

The RAJA OF PANAGAL :—" Mr. President, Sir, on behalf of the party that I represent I wish to associate myself with the touching observations made by the previous speakers regarding the premature demise of the late

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Raja of Ramnad. The late Raja was one of the distinguished members of the landed aristocracy in India. He was highly diligent and cultured. He distinguished himself as President of the Ramnad District Board. He entered this Council as early as 1916, and ever since he continued to be an active Member. His loss occasioned by his premature death is a thing to be mourned by all."

* Rajkumar S. N. Dorai Raja :—"Mr. President, Sir, I am very thankful to you more than I could say for the privilege allowed to me to add my humble revered tribute to the memory of the illustrious deceased. I have known him for very long and very intimately, long enough and intimately enough I am sure to appreciate his worth, to admire his fortitude in the face of difficulties, admire his single-minded devotion to the country of his birth and to the order he belonged. He had his own failings. Mr. President, who has not? No man is an angel and unfortunately angels have no place in this wicked world. He never allowed his failings to cloud his intellect or make him swerve an inch from the path of rectitude he cut for himself. One admirable character in him was that he never made himself more than what he was nor did he unduly praise other people's virtues or magnify others' sins. The cruel hand of death has snatched him away from our midst and he has gone the way of all men never to return, but he has left imperishable foot-prints on the sands of time for his betters to approve, for his equals to appreciate and for lesser men to admire, cherish and emulate."

11-15 a.m. Mr. S. Arpudaswami Udayar :—"Mr. President, on behalf of the Indian Christian community, I wish to pay my humble tribute to the memory of the late Raja of Ramnad. He was a most worthy representative of the landed aristocracy in this House, and he was looked up to by all the Marava Chieftains and Marava people in the south of India as their natural leader, by the members of my community, the Udayars, who are thirty thousand strong in the Ramnad district, as a kind and sympathetic landlord, and by all Tamilians as a great patron of Tamil literature and arts. He was as zealous as other members of his family in playing the role of a patron of Tamil literature It was in the fitness of things that he was chosen as the President of the Tamil University Committee. To those of us who had the privilege of working in that Committee, it must have come as a surprise on very many occasions that he should have such a thorough command of Tamil literature, such a deep familiarity with the life history of the Tamil saints who shed lustre on the literature and arts in Tamilagam. His loss, Sir, is certainly bemoaned by all the Tamilians of Southern India who had come in contact with him who had learnt to love him and who had experience of his sympathy and kindness. It is true he was the most prominent member of the landed aristocracy in South India, but, at the same time, it must be said he was a democrat in temperament, in character and in all his actions. He moved freely with all classes of people, and he took a prominent part in all public activities. As President of the District Board of Ramnad, he did his very best to promote the welfare of the people of that district. Therefore, Sir, I deem it my duty to associate myself with the sentiments given expression to by the other Members of this House, and to pay my humble tribute to his memory."

* Mr. V. I. Muniswami Pillai :—"On behalf of the representatives of the depressed classes in this House, I would like to associate myself with the

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feelings of sympathy which were expressed by the previous speakers on the sad demise of the late Raja of Ramnad. Though he was born in an aristocratic family, yet he had a deep feeling of sympathy towards the poorer classes, especially the depressed classes. I had opportunities of moving with the late Raja of Ramnad, and I always found him really sympathetic towards our people, and he gave me very good counsel at times when I had occasions of discussing with him certain matters. So, I support this resolution and trust the same will be accepted by this House unanimously."

* Khan Bahadur P. Khalif-ul-lah Sahib Bahadur :—" Mr. President, Sir, I beg to associate myself with what has fallen from the mouths of the previous speakers regarding the late Raja of Ramnad. Representing as I do a large portion of the Muslims of the Tamil districts in this Presidency, I think I shall be failing in my duty if I do not say a few words regarding the feeling that obtains in my community regarding the deceased.

" One important matter about which he took a good deal of interest is the improvement of Tamil literature. On this, I may say, he was as a matter of fact the founder of the Tamil Sangam of Madura which is doing such a great deal of good for the improvement and progress of Tamil literature in this country. But for him, I am sure the Tamil Sangam would not have come into existence at all. If it is not for all his other qualities of head and heart to which my other friends have referred, if it is not for all his other activities, but at least for this matter the public of this Presidency and in fact all that are interested in Tamil literature owe the deceased a deep debt of gratitude for the great work that he had done. With this particular reference, I beg to associate myself with the sentiments expressed by the previous speakers on this occasion."

Mr. C. R. T. Congreve :—" On behalf of the European community, I should like to associate myself with this resolution on the sad death of the Raja of Ramnad. He was a Member of this House with me for the last four or five years, and I regret the great loss sustained by this House by his death."

The resolution was carried unanimously.

III

QUESTIONS AND ANSWERS

STARRED QUESTIONS

Court of Wards

Increase of forest rates in Pedda Kimedi zamindari in Ganjam district.

* 1 Q.—Rao Bahadur Sir A. P. Patro : Will the hon. the Member for Revenue be pleased to state—

(a) whether forest rates have been increased by the Court of Wards for different kinds of wood removed from the jungles of the Pedda Kimedi (Bodo Kimedi) zamindari in Ganjam district ;

(b) whether the Government made any preliminary investigation into the matter of existing rates before sanctioning the increased rates ;

(c) the grounds on which the increase of rates, if any, is based ;

(d) whether the increased rates apply to wood taken by ryots of the zamindari for agricultural implements and for their bona fide domestic use ;

(*e*) whether fuel required by the ryot for his domestic use is subject to the increased rates;

(*f*) whether prior to the Court of Wards' management the zamindar levied a rate for the plough of the ryot, and left the ryot free to remove the wood required for his agricultural and domestic purposes;

(*g*) the reasons for altering the former procedure adopted in the muchilkas executed by the ryots;

(*h*) whether Government are aware that the Mustagari system prevailing in the Bodo Kimedi zamindari has resulted in great hardship to the ryot;

(*i*) whether the Government will be pleased to enquire into the grievances of the Pedda Kimedi ryots regarding increase in forest rates and the previous mamuls prevailing in the zamindari; and

(*j*) whether they would consider the desirability of not reserving forests and jungles adjoining the villages to a distance of one mile?

A.—(*a*) *to* (*j*) The Government have not the information. They have called for a report.

Sriman BISWANATH DAS Mahasayo:—"Will the Government be pleased to lay on the table the reply when they get it?"

The hon. Sir NORMAN MARJORIBANKS:—"The Government will consider that suggestion when the report is received."

Deputy Collectors

Proposed transfer of Mr. V. Ramanadham Pantulu, Revenue Divisional Officer, Nuzvid.

* 2 *Q.*—The ZAMINDAR OF GOLLAPALLI: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether there is a proposal to transfer the Revenue Divisional Officer of Nuzvid division, M.R.Ry. V. Ramanadham Pantulu Garu; and

(*b*) if so, what are the causes that have actuated the Government to take such a step?

A.—(*a*) & (*b*) As far as Government are aware, there is no such proposal.

Famine

Steps taken to meet the scarcity of fodder in some taluks.

* 3 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state the taluks in the province where fodder was insufficient during the months of April to June this year and the measures taken by them to meet the scarcity of fodder in the said areas?

A.—As regards the first part of the question the hon. Member is referred to the abstract of the season reports published in the Supplement to Part II of the *Fort St. George Gazette.* As regards the second part of the question, there being no apprehension of famine in these areas, no interference by Government with private trade was either contemplated or attempted.

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Government relief to sufferers from fire damages at Agiripalli, etc.

* 4 Q.—The ZAMINDAR OF GOLLAPALLI: Will the hon. the Member for Revenue be pleased to state what relief the Government propose to give to the sufferers on account of fire damages at Agiripalli, Mantada, Ellore and Bezwada of Kistna and West Godavari districts?

A.—Government received reports regarding the fires at Ellore but not at the other places referred to in the question.

The Government sanctioned in all Rs. 25,000 for whatever relief measures the Collector of West Godavari thought necessary at Ellore. The Government also permitted the Collector to distribute Rs. 5,000 worth of palmyra trees from porambokes to the persons whose houses were burnt.

The ZAMINDAR OF GOLLAPALLI :—"Will the Government be pleased to ascertain from the Divisional Officers and the District Collector the extent of the damage done by fire to Agiripalli and Mantada?"

The hon. Sir NORMAN MARJORIBANKS :—"Yes, Sir, if the hon. Member wants it."

Forest Panchayats

Fire-tracing of the exterior lines of reserved forests by Forest Panchayats.

*5 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) whether in the agreement to be executed by the Forest Panchayats in South Kanara a new condition was inserted asking them to make clear and fire-trace the exterior lines of the reserves at their own cost;

(b) whether, as a result of this, most of the panchayats declined to renew their agreements for the year ending with June 1928;

(c) whether the Forest Department was spending money for this item of work prior to the establishment of the panchayat system;

(d) whether the panchayat has any source of income to get this work done at their own expense; and

(e) whether the Government propose to remove this new clause from the agreement?

A.—(a) to (e) The Government have not the information but have called for a report.

Mr. A. B. SHETTY :—"May I know whether questions like this cannot be kept pending till the Government obtain the information required for giving the answer?"

Mr. A. RANGANATHA MUDALIYAR :—"May I know, Sir, when the report was called for?"

The hon. Sir NORMAN MARJORIBANKS :—"I assume the hon. Member is referring to question No. 5. I am sorry I have not got the information. I shall have to look it up."

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Irrigation

Alleged inconvenience in crossing the surplus flow of water of the Surada reservoir near Barady.

*6 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Member for Revenue be pleased to state whether the Government will be pleased to enquire into the inconvenience felt and the loss of lives of men and animals sustained in crossing the surplus flow of water of the Surada reservoir near the village of Barady in the Ganjam district?

A.—The Government have called for a report.

Sriman BISWANATH DAS Mahasayo :—" May I know whether this report includes also a detailed enquiry into the matter, and, if so, whether the Government will be pleased to lay on the table the report when they receive it ? "

The hon. Sir NORMAN MARJORIBANKS :—" The question, Sir, states the points on which information was desired, and a report has been called for on them. I do not quite know what the hon. Member still wants to know. When we have got the information, we will consider whether any action is necessary."

His Excellency's reply to the address of the Bellary District Board regarding Tungabhadra Project.

*7 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether in his reply to the address of the Bellary District Board regarding the Tungabhadra Project His Excellency the Governor stated that he was unable to say whether the project would be ultimately taken up for this reason, among others, that a Native State was interested in starting a similar scheme ; and

(b) whether the Government is aware of any such scheme and, if so, what it is?

A.—(a) Yes.

(b) It is understood that the Mysore Government have under consideration the construction of a reservoir at Lakkavalli on the Bhadra river.

Mr. G. HARISARVOTTAMA RAO :—" Sir, may I know from the hon. the Revenue Member whether the Government is in correspondence with the Mysore Government to see that, in the execution of their schemes, the Tungabhadra project that is contemplated does not suffer ? "

The hon. Sir NORMAN MARJORIBANKS :—" I need hardly say that that is our object."

Mr. G. HARISARVOTTAMA RAO :—" I am asking, Sir, a definite question, whether the Government are in correspondence with the Mysore Government to prevent the possibility of the Tungabhadra project being affected by the schemes of that Government? "

The hon. Sir NORMAN MARJORIBANKS :—" I said, Sir, that it is our object."

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Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" May I know whether in the Tungabhadra project that is contemplated, the Nellore and Guntur districts are included ? "

The hon. Sir NORMAN MARJORIBANKS :—" I must ask for notice for that, Sir."

Mr. P. SIVA RAO :—" In clause (a) of this question, it is suggested that a Native State was interested in starting a similar scheme. May I know which is the Native State which is concerned in this matter ? Are the Government aware that the Mysore Government has got any project ? "

The hon. Sir NORMAN MARJORIBANKS :—" I don't quite catch what the hon. Member is saying."

Mr. P. SIVA RAO :—" In view of the new site chosen for the dam of the Tungabhadra project, is it not a fact that we are not likely to come into conflict with any Indian State ? "

The hon. Sir NORMAN MARJORIBANKS :—" I should be very glad if that were so."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" May I know whether the hon. Member is aware that the question of the importance of supply to Mysore from the Tungabhadra was considered already when the original project was worked out and it was found that so far as the new project was concerned the uplands of Mysore would be affected ? "

The hon. the PRESIDENT :—" I am afraid the hon. Member is furnishing information to the Government."

Berm-cutting in Cuddapah district.

*8 Q.—Mr. G. HARISARVOTTAMA RAO: With reference to G.O. Mis. No. 2463, Revenue, dated 30th November 1927, will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have issued orders in the matter of 'berm-cutting' in the Cuddapah district ;

(b) if so, what the order is ;

(c) if in pursuance thereof the Collector has drawn up a programme ; and

(d) if he has, what it is ?

A.—(a) to (d) Orders have not yet been issued. Reports from the Board of Revenue and the Chief Engineer for Irrigation are awaited.

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Revenue Member, considering the length of time occupied on this matter, whether the Government would get things done in a more expeditious manner ? "

The hon. Sir NORMAN MARJORIBANKS :—" It is being done as soon as practicable."

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Instructions to Revenue officers regarding kudimaramat.

*9 *Q.*—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the "more specific instructions to Revenue Officers" regarding kudimaramat referred to in paragraph 2 of G.O. Mis. No. 2463, Revenue, dated 30th November 1927, have been issued; and

(*b*) if so, what they are?

A.—(*a*) Yes.

(*b*) A copy of the instructions issued is placed on the table of the House.[a]

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Revenue Member whether, in issuing the instructions that they have done, they have considered the claims of the ryots under the word 'customary,' and whether they intend issuing any further instructions to define exactly what the word 'customary' should mean in the eye of the revenue officials?"

The hon. Sir NORMAN MARJORIBANKS:—"The instructions can only apply to customary works, Sir, because, if the work is not customary, it does not fall on the ryot to do it. But the Government do not propose to issue any definition of the word 'customary'."

Mr. G. HARISARVOTTAMA RAO:—"May I know if the hon. the Revenue Member is aware that under the word 'customary' all sorts of things are brought in, and the revenue officials do require some guidance so as to decide which is customary and which is not customary and as to the kind of thing which should be considered customary?"

The hon. Sir NORMAN MARJORIBANKS:—"I would suggest, Sir, that whether a work is customary or not does not depend on the nature of any particular work, but on whether it has been the custom for that particular work to be done by the ryot."

Plans and estimates for the Thokapalli project.

*10 *Q.*—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the plans and estimates regarding the Thokapalli project in the Kurnool district said to have been under revision in the Superintending Engineer's Office (vide page 334, Madras Legislative Council Proceedings, Volume XXXVIII) have been received and considered;

(*b*) whether the Government have passed orders; and

(*c*) if so, what the orders are?

A.—In January last, on the application of the Chief Engineer for Irrigation, the Government sanctioned the employment for a period of six months of a draughtsman to scrutinize the plans and estimates made in 1922 and bring them up to date. The revised plans and estimates have not yet been received.

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[a] Printed as Appendix I on pages 105–106 infra.

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Subsequently a report was received from the Board of Revenue suggesting that the work, if carried out according to the plans prepared in 1922, would submerge an area of valuable wet land. The Chief Engineer for Irrigation was requested to examine this point when scrutinizing the estimates. His report on it has also not yet been received.

Action taken on the Chief Engineer's Report on the Pullampet project.

*11 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the report of the Chief Engineer on the Pullampet project (vide page 334, Volume XXXVIII, Madras Legislative Council Proceedings) has been received and considered; and

(b) what action the Government propose to take thereon?

A.—(a) & (b) The Chief Engineer for Irrigation has not yet submitted his report on the project. On an application from him the Government have recently sanctioned the employment for a period of six months, of an establishment for the examination of the gauging results connected with the project.

Legislation regarding kudimaramat.

*12 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the consideration of the law relating to kudimaramat has been completed;

(b) whether the Government have come to any conclusions in the matter; and

(c) if the answers to (a) and (b) are in the positive, when they propose to allow my Bill to be introduced?

A.—(a), (b) & (c) It does not lie with the Government but with His Excellency the Governor to grant or refuse sanction to the introduction of the Bill referred to.

Mr. G. HARISARVOTTAMA RAO:—"May I know what advice the Government have given to His Excellency the Governor in the matter of my Bill?"

The hon. Sir NORMAN MARJORIBANKS:—"I must ask for notice of that question. I am not sure that it is a question that can be answered at all."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know whether, in answer to clauses (a) and (b) of the question, the Government have to say anything so far as the kudimaramat is concerned, apart from the Bill of the hon. Member (Mr. G. Harisarvottama Rao)?"

The hon. Sir NORMAN MARJORIBANKS:—"Perhaps there may be a great deal to say on it when the occasion comes."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I thought, Sir, that clauses (a) and (b) clearly gave a wide scope for the hon. Member to say all that he could say. Clause (c) only refers to the Bill. Clauses (a) and (b) are general questions relating to kudimaramat. I do not understand why the hon. the

Revenue Member should say that he has much to say which he cannot say now. I would request you, Sir, to call the attention of the hon. the Revenue Member why he should not answer on clauses (*a*) and (*b*)."

The hon. the PRESIDENT :—" The hon. Member may draw my attention to this after the questions are over."

11-30 a.m. Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Revenue Member whether his attention has been drawn to part (*a*) definitely and whether his attention has been drawn to part (*b*) definitely ? "

The hon. Sir NORMAN MARJORIBANKS :—" Yes, Sir ; the questions were understood to refer to the hon. Member's Bill on the subject."

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Revenue Member whether his attention has been drawn to the sequence of clauses (*a*), (*b*) and (*c*) ? "

The hon. Sir NORMAN MARJORIBANKS :—" I have followed the sequence very carefully, Sir."

Progress of the Tippayapalaiyam project

* 13 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether any further steps have been taken in regard to the pushing on of the Tippayapalaiyam project since August 1927—vide answer to question No. 334, dated 27th August 1927 ; and

(*b*) when it is likely that the project will be taken in hand for full execution ?

A.—(*a*) The Board of Revenue and the Chief Engineer for Irrigation submitted their reports in June last. From their reports it appears that the scheme may be estimated to yield a return of nearly 4 per cent. Certain items of cost were not however taken into account and an estimate under these heads has been called for and is awaited.

(*b*) Having regard to what has been stated in answer to clause (*a*) the Government are at present unable to reply to this question.

Reinvestigation of the Gajuladinne project.

* 14 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Member for Revenue be pleased to state whether the Government have ordered the re-investigation of the Gajuladinne (Hindri) project and the Krishnapuram tank project both in the Pattikonda taluk of the Kurnool district which were ordered to lie over years ago pending the consideration of the bigger Tungabhadra project ?

A.—The answer is in the negative.

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the Government have any intention of reinvestigating the projects mentioned in my question ? "

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The hon. Sir NORMAN MARJORIBANKS :—" No, Sir ; as I understand the case, these projects are lying over pending the consideration of the Tungabhadra project. That is one reason. The second reason was that the experience of certain irrigation works in the neighbourhood had been so unfavourable that it was decided to get further experience of these works before taking up new works independently of the question whether they were affected by the Tungabhadra project or not."

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Revenue Member, in view of the statement that he has made, whether these projects stand a chance of early reconsideration ? "

The hon. Sir NORMAN MARJORIBANKS :—" As I have said, that depends on the Tungabhadra project."

Supply of water to the Chikkanna Udayar tank.

* 15 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state—

(*a*) the capacity of Chikkanna Udayar tank, Kanekal, Bellary district, according to the Government registers and in actual fact respectively ;

(*b*) the number of days the tank will take to fill if the supply channel carries to the tank the maximum quantity of water it is capable of carrying ; and

(*c*) the average duration of the period every time when the Hagari river is in freshes during the rainy season ?

A.—(*a*), (*b*) & (*c*) The information has been called for.

Investigation of the High Flood Channel from Mulapadu.

* 16 Q.—The ZAMINDAR OF GOLLAPALLI : Will the hon. the Member for Revenue be pleased to state what action the Government have taken or propose to take on the resolution of this House passed on 24th January 1928 to form a committee to investigate the High Flood Channel from Mulapadu on the bank of the Kistna river ?

A.—The attention of the hon. Member is invited to the statement showing the action taken on resolutions passed by the Legislative Council during the session from 23rd August 1927 to 30th March 1928.

Progress in the work of the East Bank Canal.

* 17 Q.—The ZAMINDAR OF GOLLAPALLI : Will the hon. the Member for Revenue be pleased to state the progress made in the work of the East Bank Canal, Kistna district ?

A.—A report on the subject is awaited from the Chief Engineer (Irrigation) who has been reminded.

Landlord and Tenant

Report of the Committee for amending the Estates Land Act

* 18 Q.—Rao Bahadur Sir A. P. PATRO: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the report of the Committee for amending the Estates Land Act will be published at an early date;

(*b*) whether any draft amending Bill has been prepared by Government for publication;

(*c*) whether the draft Bill, if any, prepared by Government will be placed again before a committee for examination of its provisions before being introduced in the Council;

(*d*) whether the Bill or proposals for amendment will be circulated for eliciting the opinions of landholders and Ryots' Associations in the Presidency before its introduction in the Council;

(*e*) whether in view of the present stage of progress of the proposals for amending the Estates Land Act, a Bill for amending the Estates Land Act will be introduced during the year 1928 or in the year 1929;

(*f*) who were the members of the Committee that sat for considering amendments to the Estates Land Act and who have signed the report submitted to Government;

(*g*) whether there were any dissenting minutes attached to the report; if so, by whom;

(*h*) whether there were any members of the Committee who at any stage (i) either declined to collaborate with other members in the deliberations, (ii) or resigned their seats for any reason or (iii) absented themselves from the meetings of the Committee from time to time without joining the other members in the discussion of the amendments; and

(*i*) the names of such members of the Committee?

A.—(*a*) & (*b*) The Committee has not submitted a report. A draft Bill prepared by a sub-committee and purporting to be based on decisions arrived at by the Committee is now under the consideration of Government.

(*c*) No draft Bill has been prepared by Government.

(*d*) Any Bill that Government may propose to introduce will be published before introduction.

(*e*) A Bill will be introduced as soon as Government has considered the draft before them and has made its decisions thereon.

(*f*) & (*g*) Please refer to the answer to clauses (*a*) and (*b*).

(*h*) & (*i*) So far as Government are aware no member declined to collaborate with the other members of the Committee during the deliberations. The following members resigned their seats for personal reasons such as ill-health or otherwise:—

Mr. K. Krishna Rao.
Mr. K. Raghunatha Rao.
Mr. B. Munuswami Nayudu.
Mr. C. V. S. Narasimha Raju.

There were occasions when members absented from meetings; but this as far as Government are aware was for private reasons.

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Sriman BISWANATH DAS Mahasayo :—" With regard to clause (*b*), may I know when the Government proposes to introduce a Bill ? "

The hon. Sir NORMAN MARJORIBANKS :—" I cannot prophesy, Sir. "

Sriman BISWANATH DAS Mahasayo :—" May I know whether the Government are aware of the fact that a previous Law Member said on the floor of this House, on 31st March 1927, that he would be introducing a comprehensive Bill ? These were his words. He said that ' he would be introducing a comprehensive Bill in August or September 1927.' In view of that statement, I would request the hon. the Leader of the House to give us a definite reply at least to clause (*e*), if not to (*d*) ? "

The hon. Sir NORMAN MARJORIBANKS :—" The hon. Member has demonstrated that my distinguished predecessor was an optimist. The Government have given the exact state of the case in the answer. Government will proceed with the consideration of the draft prepared by the sub-committee as soon as practicable. Having regard to the fact that the statement made by my predecessor could not be carried out, I am loath to make a similar prophesy myself "

Mr. P. C. VENKATAPATI RAJU :—" With reference to clause (*e*), will the hon. the Revenue Member be pleased to state whether at present there is any proposal at all of introducing a Bill on the subject ? "

The hon. Sir NORMAN MARJORIBANKS :—" The answer is given ' A draft Bill prepared by a sub-committee and purporting to be based on decisions arrived at by the committee is now under the consideration of Government.' The Government may adopt it with the necessary modifications."

Sriman BISWANATH DAS Mahasayo :—" May I know how far have Government proceeded in considering the draft Bill and how long will they take to consider the draft ? "

The hon. Sir NORMAN MARJORIBANKS :—" I would ask the hon. Member to consider whether it is possible for any Government to answer that question."

Sriman BISWANATH DAS Mahasayo :—" How long since has the Bill been under the consideration of Government ? "

The hon. Sir NORMAN MARJORIBANKS :—" I think the draft Bill was submitted to Government about two months ago."

Sriman BISWANATH DAS Mahasayo :—" In view of the fact that other provincial Governments have finished their consideration of their respective tenancy legislations, may I know whether this Government intend at all to take action in amending this Estates Land Act, during the lifetime of this Council ? "

The hon. Sir NORMAN MARJORIBANKS :—" I can assure the hon. Member that the Government intend to finish consideration of this Bill which has been prepared by the sub-committee and if they approve of it, or such portions as they approve of, will be introduced."

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Amendment of the Estates Land Act.

* 19 *Q.*—The ZAMINDAR OF GOLLAPALLI: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government have taken into consideration my representation regarding the setting off of the arrears of rent if a landholder bids under section 130 of the Madras Estates Land Act; and

(*b*) whether the Government propose to include a provision like this in their intended amending Bill?

A.—(*a*) & (*b*) The draft Bill now under the consideration of the Government contains a provision to this effect.

Revenue Establishments

Alleged assault of a ryot of Katpadi by the Tahsildar of Gudiyattam.

* 20 *Q.*—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that the Tahsildar of Gudiyattam, one Mr. Gnanaprakasam, recently assaulted a ryot of Katpadi when he was camping in that village;

(*b*) whether there was a criminal complaint about him in the local panchayat court; and

(*c*) whether Government are aware that the same officer, on a previous occasion, kicked a Hindu idol; and

(*d*) whether the Government propose to instruct the Collector concerned to transfer him to some other taluk?

A.—(*a*) & (*b*) The Government have not heard of any such case.

(*c*) No.

(*d*) Having regard to the answer to the questions (*a*), (*b*) and (*c*) the answer to this clause is in the negative.

Mr. T. ADINARAYANA CHETTIYAR:—"Did Government make any enquiries or did they call for a report?"

The hon. Sir NORMAN MARJORIBANKS:—"No, Sir."

Mr. T. ADINARAYANA CHETTIYAR:—"Will they be pleased to call for a report?"

The hon. Sir NORMAN MARJORIBANKS:—"No, Sir, unless the hon. Member can give me some indication of the likelihood of such allegation being true"

Mr. T. ADINARAYANA CHETTIYAR:—"The information was in the newspaper. I think the kicking of the idol was before this House."

The hon. Sir NORMAN MARJORIBANKS:—"I will look that matter up, Sir."

Mr. A. RANGANATHA MUDALIYAR:—"As regards the kicking of the idol that was a matter which came up before this Council. I think the Government would at least make enquiries in the matter."

The hon. Sir NORMAN MARJORIBANKS:—"I wish to be assured, Sir, that the hon. Member verified the allegations."

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Mr. A. RANGANATHA MUDALIYAR :—"When an hon. Member puts a question he generally makes his best endeavours to satisfy himself; that has repeatedly been the subject of discussion on the floor of this House."

The hon. Sir NORMAN MARJORIBANKS :—"Before making an enquiry whether an officer of the Government committed a criminal offence I must satisfy myself whether the Member has grounds for the allegation."

Mr. A. RANGANATHA MUDALIYAR :—"When a question has been put in the form in which it is put, I wish to know whether any further assurance from the hon. Member is necessary."

The hon. Sir NORMAN MARJORIBANKS :—"I think so."

Mr. P. BHAKTAVATSULU NAYUDU :—"Will the hon. the Revenue Member be pleased to say whether after the receipt of the question Government moved in the matter to find out or verify the truth or the facts of the allegation?"

The hon. Sir NORMAN MARJORIBANKS :—"I have answered that question."

Mr. S. SATYAMURTI :—"This is a matter of some importance, Sir; I do not know whether you would like to raise it now or after question time."

The hon. the PRESIDENT :—"I think that it would be better to raise it after question time."

Settlement

Supply of the scheme report for the resettlement of the Godavari and Kistna districts.

*21 Q.—Mr. D. NARAYANA RAJU: Will the hon. the Member for Revenue be pleased to state— 11-45 a.m.

(a) whether it is a fact that the scheme report for the resettlement of the Godavari East and West and the Kistna districts was supplied only to the subscribers to the three district gazettes and not to every village along with the village sheet of the district gazettes;

(b) what is the number of subscribers to each of the district gazettes of East Godavari, West Godavari and Kistna; and how many of the subscribers in each case are private gentlemen and how many are servants of either the Government or of the local bodies;

(c) whether any cultivating ryots are subscribing to any of these district gazettes, and if so, how many such ryots there are; and

(d) whether the Government propose to publish the scheme report in question along with the village sheet of the three district gazettes and to distribute it to every village so as to place it within easy reach of the ryot population?

A.—(a), (b) & (c) The scheme report was published in the district gazettes in December 1927. The Government do not know how many subscribers there are to the district gazettes or who they are. In February 1928, the report was placed at the disposal of the Press. A notification in the *Fort St. George Gazette* of 21st February stated that copies were then available

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for sale at the Government Press. Owing to a misunderstanding in the Government Press, however, copies for sale were not, as a matter of fact, available there. The number of copies available for sale with the Collectors of West and East Godavaries was also inadequate. In June the hon. Member brought these facts to the notice of Government. Steps were immediately taken to have the available copies redistributed. Particulars regarding the number of copies originally kept for sale in the three districts, the number disposed of by sale or otherwise and the number available for sale after the redistribution are given in the following statements :—

District.	Number of copies kept for sale in February 1928.	Number supplied to Members of the Legislative Council free of cost.	Number sold.	Number available at the end of June 1928.	Number available according to the redistribution.
		English Edition.			
East Godavari ..	20	..	20	..	30
West Godavari ..	6	3	1	2	10
Kistna	54	6	..	48	10
Total ..	80	9	21	50	50
		Telugu Edition.			
East Godavari ..	27	..	15	12	20
West Godavari ..	4	1	1	2	12
Kistna	40	..	..	40	12
Government Press ..	..	..	..	..	10
Total ..	71	1	16	54	54

The three Collectors have recently reported that, since the redistribution, no copies have been sold and that additional copies are not required. The date by which Government desired to receive representations regarding matters other than rates was extended by three months to 30th September 1928, as it had been shown that the supply of copies of the report available with the Collectors of West and East Godavaries during June was inadequate.

(*d*) The answer is in the negative. As stated above, the Collectors have reported that after additional copies were made available none have been sold.

Mr. D. Narayana Raju :—" May I know whether the Government are aware that the District Gazette does not go to every village and that it is only the village sheet of the District Gazette that comes to every village ?"

The hon. Sir Norman Marjoribanks :—" I think that is answered in the first part of the answer."

Mr. D. Narayana Raju :—" Why did not Government propose to publish the scheme report in the village sheet of the District Gazette ? "

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The hon. Sir NORMAN MARJORIBANKS :—" It is too long and elaborate for such publication, and I don't think any ryot will understand it. What we have to do is to make a summary of the recommendations."

Mr. D. NARAYANA RAJU :—" When are they going to do it—to give a summary of it in the village sheet ? "

The hon. Sir NORMAN MARJORIBANKS :—" As soon as practicable."

Mr. D. NARAYANA RAJU :—" Have the Government given time to the ryots for making objections ? "

The hon. Sir NORMAN MARJORIBANKS :—" Each man gets notice if any change is to be made."

Mr. D. NARAYANA RAJU :—" In regard to the general proposals made by the Settlement Officer comprehensively, objections are called for. Will the Government give better opportunity to the public to get at the contents of the report before the Government consider the report itself ? "

The hon. Sir NORMAN MARJORIBANKS :—" I have explained that there are certain proposals dependent on local conditions such as those in regard to the registration and description of lands into wet and dry ; in all these cases the individual ryot gets notice and has ample opportunities of making representations. As regards the general question whether the rates should be increased or reduced, certainly there is plenty of time, namely, up to 31st March 1929, given to the ryots."

Mr. D. NARAYANA RAJU :—" As to the other portion of the answer that an adequate number of copies of the scheme report are made available for sale with the Collectors of the three districts, may I know if it is notified either in the district gazette or village sheet or on the notice boards of the Collectors concerned that copies are available for sale."

The hon. Sir NORMAN MARJORIBANKS :—" I do not know in what form it is published. There was a notification in the *Fort St. George Gazette* and whether that notification was in the District Gazette or not I do not know, I must ask for notice."

Mr. D. NARAYANA RAJU :—" Notification in the *Fort St. George Gazette* was to the effect that copies are available for sale in the Government Press ; my question is whether the fact that copies are available for sale with the Collectors was anywhere notified."

The hon. Sir NORMAN MARJORIBANKS : – " I would ask for notice."

Mr. D. NARAYANA RAJU :—" With regard to (*d*), may I know how the ryots are expected to purchase them when it is not notified anywhere that the copies are available for sale with the Collector."

The hon. the PRESIDENT :—" The question is argumentative."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the individual ryot has not to consider the general question of the raising of the rates before the Government proceeded to raise the rate actually ? "

The hon. Sir NORMAN MARJORIBANKS :—" I daresay, Sir, and that is why we have given such ample notice to them."

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Mr. G. HARISARVOTTAMA RAO :—" May I know whether the matter has been within the knowledge of the ordinary ryot in the village ? "

The hon. Sir NORMAN MARJORIBANKS :—" That is a matter of opinion ; personally I should say Yes."

Mr. G. HARISARVOTTAMA RAO :—" May I know what steps were taken to bring it to the knowledge of the ryots in the village ? "

The hon. Sir NORMAN MARJORIBANKS :—" I must ask for notice if the hon. Member wants a specific reply."

Mr. G. HARISARVOTTAMA RAO :—" In view of the fact that the hon. the Revenue Member wants notice to state whether the ryot has had information or not, is he prepared to give us an undertaking that the question of rates will not be settled before the ryot is put in possession of the report ? "

The hon. Sir NORMAN MARJORIBANKS :—" As far as I understand, there is no question of giving further time now. The date for the making of representation as regards the rates, is up to 31st March 1929."

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Revenue Member what information the ryot has got with regard to the general questions that he spoke of. He spoke of two different categories of questions, general questions and questions relating to particular holdings. Has the ryot had an opportunity of knowing the recommendations with regard to the general questions ? If he is not aware of the exact methods employed to bring the whole thing to the knowledge of the ryots in the village, will he give an undertaking that further time will be given for the consideration of the general question so that the ryots may come into possession of all facts and make representations ? "

The hon. Sir NORMAN MARJORIBANKS :—" I think that time up to 31st March 1929 will give them ample opportunity."

Mr. K. R. KARANT :—" Sir, may I know whether the scheme report was published in English only or whether it was published in the vernacular of the district also ? If it was not published in the vernacular of the district, may I know the reason ? "

The hon. Sir NORMAN MARJORIBANKS :—" If the hon. Member will look into the answer he will find that there was a Telugu edition of the scheme report."

Sale of copies of the scheme report for the resettlement of the Godavari and Kistna districts.

*22 Q.—Mr. D. NARAYANA RAJU : Will the hon. the Member for Revenue be pleased to state—

(*a*) when the scheme report for the resettlement of the Godavari and Kistna districts was placed on the Editors' Table ; and

(*b*) whether an adequate number of copies of the report has been made available for sale to the public and if so, where ?

A.—(*a*) As explained in the answer to clause (*a*) of question No. 21 it was published in the district gazettes in December 1927 and was placed at the disposal of the Press in February 1928 but through a misunderstanding of instructions copies were not

available for sale at the Press till June 1928. The latter date therefore must be considered to be that on which the report was placed on the Editors' Table according to the practice followed by the Government Press.

(*b*) Copies are available in the offices of the Collectors of East Godavari, West Godavari and Kistna and at the Government Press, Mount Road, Madras. The three Collectors have reported that the numbers available are adequate.

Time-limit for receiving representations regarding the scheme report for the resettlement of Godavari and Kistna districts.

*23 Q.—Mr. D. NARAYANA RAJU : Will the hon. the Member for Revenue be pleased to state—

(*a*) why two different dates, namely, 31st March 1929 and 30th September 1928, have been fixed for receiving representations of the public on the proposals in the scheme report for the resettlement of Godavari and Kistna districts ;

(*b*) what are the several proposals regarding which representations have to be made on or before 30th September 1928 ;

(*c*) whether the Government are aware that it is very inconvenient for the public to make their representations in instalments ; and

(*d*) whether the Government propose to allow the public to make their representations on all the proposals in the report together on or before 31st March 1929 ?

A.—(*a*) The two different dates were fixed in order to give the public the longest possible period for making representations. Until orders are passed on the matters referred to in clause (*b*) the preparation of revised registers showing the revised registration and description of lands is held up and the final determination of the delta ayacut is postponed. The entry of the rates ultimately decided on will be a comparatively simple matter and will not further appreciably delay the completion of the registers.

(*b*) All proposals in the report save those regarding rates in paragraphs 45, 46, 47 and 48.

(*c*) The Government are not aware that there is any inconvenience to the public in making representations separately. On the contrary it should prove a convenience as the matters referred to in clause (*b*) depend on local considerations while the question of rates is a matter general to the district.

(*d*) The Government cannot and do not wish to prevent the making of representations on any subject at any time. The dates announced intimate to the public the dates by which representations will be made most conveniently in the public interests. As explained in the answer to clause (*a*) the postponement beyond 30th September would mean further delay in the completion of the registers and settlement of the ayacut which would be against the interests both of the ryots and the Government.

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Mr. D. Narayana Raju :—" Sir, in answer to clause (*d*) of this question it is said that the postponement of date fixed for receiving representations beyond 30th September would mean further delay in the completion of the registers and settlement of the ayacut which would be against the interests both of the ryots and the Government. May I know what the calamity is which, in the opinion of the Government, would befall the people and the Government if these settlement registers are not completed by the time fixed by the Government ? "

The hon. Sir Norman Marjoribanks :—" The longer you keep preparing the settlement registers the more out of date they become and more expense would have to be incurred."

Mr. D. Narayana Raju :—" How does it work against the interests of the ryot if sufficient opportunity is given to him prior to the introduction of the changes ? "

The hon. Sir Norman Marjoribanks :—" The main difficulty is that we cannot proceed with the disposal of the numerous applications for land as we do not know what areas we can irrigate."

Mr. D. Narayana Raju :—" Registration of land has been going on for the last 30 years and it can be continued even now without settlement registers. The settlement registers are intended for the introduction of re-settlement. With regard to this matter what is the harm if further time is given to the ryots to have their say ? "

The hon. Sir Norman Marjoribanks :—" As I have explained, until we know exactly what lands we are going to classify as wet, etc., we do not know whether there would be sufficient water to comply with the numerous applications for water in low-lying areas such as those in Bhimavaram taluk. That is one reason. The individual ryot will get notice of any proposed change that affects him and he will then have an opportunity to put forward his objections."

Mr. D. Narayana Raju :—" If the hon. Member is satisfied that every individual concerned will have notice, why does the Government give two months' time for the submission of objections ? What is the purpose served by giving these two months' time for making objections ? "

The hon. Sir Norman Marjoribanks :—" This time was given not so much to the ryot as to my hon. Friend."

Mr. D. Narayana Raju :—" The answer to clause (*b*) is that all proposals in the report save those regarding rates in paragraphs 45, 46, 47 and 48 require the submission of representations before the 30th September 1928. May I know why the Government are not able to enumerate all those proposals ? "

The hon. Sir Norman Marjoribanks :—" We could enumerate them, but we presumed that the hon. Member had read the report."

Mr. D. Narayana Raju :—" It is very inconvenient to classify them, into those relating to rates and those not relating to rates ? "

The hon. the President :—" The hon. Member is requested to come to his supplementary question instead of stating his objections."

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Mr. D. NARAYANA RAJU :—"May I request the hon. the Revenue Member to give a few examples of proposals which do not relate to rates?"

The hon. Sir NORMAN MARJORIBANKS :—"I have got a list and will send a copy to the hon. Member."

Mr. C. RAMASOMAYAJULU :—"May I know if the Government realizes that objections to rates and objections to other matters are interdependent and that it is not possible to separate one from the other?"

The hon. Sir NORMAN MARJORIBANKS :—"It is perfectly possible."

Mr. C. RAMASOMAYAJULU :—"May I know whether the Government will make it clear what the interests of the ryots are and what the interests of the Government are which are likely to be affected if there is delay?"

The hon. Sir NORMAN MARJORIBANKS :—"If the hon. Member had been listening when I replied to Mr. Narayana Raju he would have understood and got his answer."

Considerations of representations from the public regarding the scheme report for the resettlement of Godavari and Kistna districts.

*24 Q.—Mr. D. NARAYANA RAJU: Will the hon. the Member for Revenue be pleased to state—

(a) the authority who is to receive and consider the representations of the public on the scheme report for the resettlement of the Godavari and Kistna districts;

(b) whether it is a fact that the Board of Revenue has already approved the proposals contained in the scheme report without waiting for the representations of the public; and

(c) whether it is a fact that the same gentleman, namely, Mr. B. G. Holdsworth, who prepared the scheme report, was Secretary to the Board of Revenue, Land Revenue and Settlement, when the latter approved of the proposals in the report?

A.—(a) As notified in the District Gazettes the Special Settlement Officer will receive the representations of the public on the scheme report for the resettlement of the Godavari and Kistna districts and submit them to the Government for consideration through the Board of Revenue.

(b) The Board of Revenue has submitted the report with its remarks for the consideration of the Government.

(c) No. Mr. Holdsworth joined as Secretary to the Board on the 6th August 1927. The Board's Resolution submitting the report to Government with the Board's remarks is dated 1st May 1927.

Mr. D. NARAYANA RAJU :—"With regard to the answer to clause (a) of this question, may I know what good there is in the ryots trying to convince the Settlement Officer about their grievances when that officer has already made his report?"

The hon. Sir NORMAN MARJORIBANKS :—"This procedure saves time. If the Settlement Officer says what he has to say on the representation of the ryots, the Government will be in a position to come to some conclusion, otherwise the representations would have to be sent to the Settlement Officer's remarks."

Mr. D. NARAYANA RAJU :—" May I know why the Board of Revenue also made up its mind and submitted its proposals two months in advance of the ryots concerned submitting their objections ? "

The hon. Sir NORMAN MARJORIBANKS :—" The proposals have to be framed by some responsible authority. There were discussions in past years in this Council in regard to this matter and the procedure finally settled was that the report should come from the Board of Revenue, it should be published and that the Government should then receive and consider representations. The settlement officer's proposals have to be reviewed by the chief revenue authority, the Board of Revenue, before they are published."

Mr. C. RAMASOMAYAJULU :—" What I want to know is this: Why should the Board of Revenue send up the report with remarks two months prior to 30th June ? "

The hon. Sir NORMAN MARJORIBANKS :—" It is the Board of Revenue that is responsible for the scheme that is published for criticism. Although the scheme was sent up by the settlement officers the Board of Revenue is responsible for the scheme."

Mr. C. RAMASOMAYAJULU :—" In the answer to clause (*a*) it is stated that the Special Settlement Officer will receive and submit representations to the Government for consideration through the Board of Revenue. Is it expected that the Board of Revenue would pass certain remarks when the representations are sent by the settlement officer through the Board of Revenue ? "

The hon. Sir NORMAN MARJORIBANKS :—" I do not understand why they should not."

Mr. C. RAMASOMAYAJULU :—" Is it expected that the Board would express remarks contrary to what it has already said ? "

The hon. Sir NORMAN MARJORIBANKS :—" If the objections contained in the representations are weighty, why should they not ? "

Proposals of the Special Settlement Officer for resettlement in Godavari and Kistna districts.

*25 Q.—Mr. D. NARAYANA RAJU: Will the hon. the Member for Revenue be pleased to state whether the Government will lay on the table of the House the letters of the Special Settlement Officer, R.O.C. No. 249/B. & C. of 1926, dated 6th May 1926 and 17th June 1926, containing his proposals for settlement on ordinary lines of villages which hitherto remained unsettled ?

A.—The Government will consider the suggestion.

Alleged " detailed economic enquiries " in selected villages in Godavari and Kistna districts.

* 26 Q.—Mr. D. NARAYANA RAJU : With reference to the statement in paragraph 32 of the scheme report for the resettlement of Godavari and Kistna districts that " *detailed economic enquiries* " were made in selected villages, will the hon. the Member for Revenue be pleased to state—

(*a*) what are the names of the villages in which those enquiries were made ;

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(*b*) whether the said enquiries were made publicly or in secret;

(*c*) what are the headings under which the said economic enquiries were made;

(*d*) whether the said economic enquiries were made by the Settlement Officer himself or by his assistants; and if made by the assistants, who they were; and

(*e*) whether there is any report or reports embodying the results of the said enquiries; and if so, whether they will be placed on the table of the House?

A.—(*a*) Detailed economic enquiries were made in 24 typical villages. Seven of these were Malleswaram, Nandivada, Machavaram, Likhitapudi, Vemavaram, Nallamilli and Velagaleru. The Government do not know the names of the other 17 villages.

(*b*) The enquiries were made publicly by the officers during their tour in the villages.

(*c*) No set of headings have been prescribed. It is left to the discretion of the Special Settlement Officer to make such enquiries as will enable him to form a correct opinion about the economic condition of the village in which the enquiries are made.

(*d*) The enquiries were made by the officers attached to Settlement Parties Nos. I and II. The Government have no information as to who were the particular officers who made the enquiries.

(*e*) The results of the enquiry have been incorporated in paragraphs 32, 34—37, 38 and 40 of the scheme report which has been published.

Mr. D. NARAYANA RAJU:—"With reference to the answer to clause (*a*) of this question may I know how it is that the Government know the names of only seven villages and do not know the names of the other 17 villages where detailed economic enquiries were alleged to have been made?"

The hon. Sir NORMAN MARJORIBANKS:—"I presume their names are not mentioned in the report."

Mr. D. NARAYANA RAJU:—"May I know what steps have been taken to see that these enquiries are not merely casual and one-sided?"

The hon. Sir NORMAN MARJORIBANKS:—"The enquiries are statistical and are made by responsible officers."

Mr. D. NARAYANA RAJU:—"Am I to understand that the officers were not asked to make enquiries with regard to any definite headings? May I know what are the steps taken by the Special Settlement Officer or the Government to see that these alleged enquiries are not merely casual and one-sided?"

The hon. Sir NORMAN MARJORIBANKS:—"I feel no reason why the enquiries should be called casual or one-sided."

Mr. C. RAMASOMAYAJULU:—"May I know if there is any record kept as to the number of witnesses examined, number of documents looked into and materials collected during the course of these enquiries?"

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The hon. Sir NORMAN MARJORIBANKS :—" The material collected is there. It is not a question of examining witnesses and taking the opinion of the people."

Mr. C. RAMASOMAYAJULU :—" As regards the facts collected, is there any record kept ? "

The hon. Sir NORMAN MARJORIBANKS :—" The report contains these facts."

Mr. A. RANGANATHA MUDALIYAR :—" The enquiries are reported to have been made in public. Was due information given to the public about the time and place of the enquiry ? "

The hon. Sir NORMAN MARJORIBANKS :—" For such details I must ask for notice."

Mr. C. RAMASOMAYAJULU :—" Were any ryots present at the enquiry ? "

The hon. Sir NORMAN MARJORIBANKS :—" I presume they were."

Mr. G. HARISARVOTTAMA RAO :—" In view of the fact that the officers attached to Settlement Parties I and II made enquiries, may I know whether the Special Settlement Officer issued any instructions to them as to how these enquiries have to be conducted ? "

The hon. Sir NORMAN MARJORIBANKS :—" I believe there are detailed instructions on the subject and if the hon. Member will kindly repeat the question I will collect the information."

The hon. the PRESIDENT :—" Questions were taken up at 20 minutes past 11. We shall therefore continue the questions till 20 minutes past 12."

Names of villages in Godavari and Kistna districts selected for collection of statistics relating to the sale and lease value of land.

12 noon. * 27 Q.—Mr. D. NARAYANA RAJU : With reference to paragraph 34 of the scheme report for the resettlement of Godavari and Kistna districts, will the hon. the Member for Revenue be pleased to state what are the names of the villages selected for the collection of statistics relating to the sale and lease values of land ?

A.—The names have been called for and on receipt will be communicated to the hon. Member and laid on the table.

Mr. A. RANGANATHA MUDALIYAR :—" With reference to the answer given to this question, may I know why, in view of the admittedly defective character of the report ? "

The hon. Sir NORMAN MARJORIBANKS :—" I do not admit it."

Mr. A. RANGANATHA MUDALIYAR :—" I say, Sir, that the report makes no mention of the villages dealt with by the special officer. The Government promise information. What is to happen if the information is not furnished by 31st March 1929, the date fixed for the receipt of objections ? Should not the time in such a case be extended still further ?"

Mr. D. NARAYANA RAJU :—" I hope the information when obtained would be communicated to me and also placed on the table."

The hon. Sir NORMAN MARJORIBANKS :—" Certainly."

Names of villages in Godavari and Kistna districts selected for collection of statistics regarding mortgages.

* 28 Q.—Mr. D. Narayana Raju : With reference to paragraph 37 of the scheme report for the resettlement of Godavari and Kistna districts, will the hon. the Member for Revenue be pleased to state what are the names of villages selected for the collection of statistics relating to mortgages?

A.—The Government have not the names of the villages. The Settlement Officer has been asked to report them.

Depressed Classes

Acquisition of house-sites for the depressed classes.

* 29 .Q.—Mr. C. Marudhavanam Pillai : Will the hon. the Home Member be pleased to state—

(*a*) whether any Government Order was issued last year regarding the acquisition of house-sites by the Labour Department for agricultural labourers ;

(*b*) whether the Government Order above referred to specified that in future house-sites should be acquired only for the agricultural labourers of the Adi-Dravida community and not for labourers of other castes ;

(*c*) whether the Government are aware of the acquisition by the Labour officers in the Tanjore district of house-sites for labourers other than those of the Adi-Dravida caste ; and if so, whether Government propose to take any action in the matter ; and

(*d*) whether Government will lay on the table of this House a copy of the Government Order in question together with complete statistics up to date showing the total number of house-sites acquired since the date of the issue of this Government Order, and also how many of these were for Adi-Dravidas and how many for members of other castes?

A.—(*a*) No.

(*b*) & (*d*) Do not arise.

(*c*) The attention of the hon. Member is invited to the answer given to question No. 1585 at the meeting of the Legislative Council held on the 27th February 1928.

Labour

Condition of labourers in Malabar, Coimbatore and Nilgiris districts.

* 30 Q.—Mr. J. A. Saldanha : Will the hon. the Home Member be pleased to state—

(*a*) whether the Labour Commissioner or any Magistrate visited any of the plantations on the hills in Malabar, Coimbatore and Nilgiris districts during the year 1927–28 and enquired into and ascertained the condition of the labour population and the amenities of their life ;

(*b*) if so, what reports they have made and what action Government have taken on them ; and

(*c*) whether it is a fact that there are yet several plantations on those hills in which the ordinary essential requirements as to lodging, medical provision and other amenities of life are not attended to?

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A.—(*a*) The Government have no information.

(*b*) Does not arise.

(*c*) The attention of the hon. Member is invited to the answer given to clauses (*a*), (*b*) and (*c*) of question No. 1427 at the last session of the Council. Steps have been taken to remedy the defects brought to notice in the case of the estates in Malabar referred to therein. No other cases have come to the notice of Government.

Mr. J. A. SALDANHA :—" May I point out to the hon. the Home Member that I sent this question on the 16th July and it was passed on to the department about the 31st July. . . . "

The hon. the PRESIDENT :—" The hon. Member is requested to confine himself to any supplementary question arising out of the answer given here."

Mr. J. A. SALDANHA :—" My supplementary question is why Government could not get the information asked for earlier. They have taken a month to give such an evasive answer as " The Government have no information."

The hon the PRESIDENT :—" The hon. Member cannot put a supplementary question characterising an answer already given."

Mr. J. A. SALDANHA :—" I want to know what difficulty the hon. the Home Member had. He says ' The Government have no information.' Is it because the Labour Commissioner sent no report? The Labour Commissioner had been asked to go round certain districts. So when he made a tour he ought to have visited some of these plantations on the hills and made a report to the Government."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Not necessarily."

Mr. A. RANGANATHA MUDALIYAR :—" Did not the Labour Commissioner submit a report?"

The hon. Sir NORMAN MARJORIBANKS :—" He did not send it because the Government did not ask for it."

Motor Vehicles Act

Control and regulation of motor traffic in Madras City.

* 31 Q.—Mr. A. B. SHETTY : Will the hon. the Home Member be pleased to state—

(*a*) what steps have been recently taken for the better control and regulation of motor traffic in Madras City and in the mufassal; and

(*b*) how far these have resulted in reducing the number of accidents?

A.—(*a*) A number of proposals are at present under the consideration of Government.

(*b*) It is not known how far the steps that have already been taken have reduced the number of accidents

Mr. A. B. SHETTY :—" The Government say they have taken 'some steps' in answer to clause (*b*) of this question. I want to know what the actual steps are."

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The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
"I have said that some steps have already been taken and there are a number of proposals under the consideration of the Government."

Mr. BASHEER AHMAD SAYEED SAHIB :—"The Government say in answer to clause (*b*) 'it is not known how far the steps that have already been taken have reduced the number of accidents.' I want to know what the steps are. May I also know whether the proposals which are under the consideration of the Government will be placed before the public for their opinion ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
"I should like to have notice."

Mr. HAMID KHAN SAHIB :—"May I know on what authority the Commissioner of Police, or whoever it may be that took some steps in the matter, took those steps ? Were they sanctioned by the Government or the officer concerned took upon himself the responsibility for putting those steps into effect ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
"Wherever the officer had powers he utilized them and wherever it was necessary for him to obtain the sanction of the Government he did so."

Mr. HAMID KHAN SAHIB :—"The answer given is 'certain proposals are under the consideration of the Government.' Do the Government propose to consult the representatives of the public, the citizens of Madras and also the owners of vehicles before they take any action in the matter ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
"I should like to have notice."

Mr. P. BHAKTAVATSULU NAYUDU :—"The Government say 'there are a number of proposals.' May I know proposals from what quarters ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
"Proposals from the Commissioner of Police and also District Magistrates."

Forests

Introduction of the Forest Act in zamindaris.

* 32 Q.—Rao Bahadur Sir A. P. PATRO : Will the hon. the Law Member be pleased to state—

(*a*) all the zamindaris in which the Forest Act has been introduced with the permission of Government and the date or dates on which sanction was accorded by Government for introducing the Act in the various zamindaris ;

(*b*) whether any deputation on behalf of the zamindari ryots of the Ganjam district waited on the Government during the years 1927 and 1928 representing that the Forest Act is worked with great hardship to the ryots in all or any of the zamindaris ;

(*c*) whether any memorial was submitted to Government by the "Zamindari Ryots' Association, Ganjam," and by the "Zamindari Ryots' Conference" during the years 1927 and 1928 representing the grievances, if any, of the zamindari ryots ; and

(*d*) whether the question of withdrawing the Forest Act or the rules thereunder in any zamindari in the Ganjam district is under the consideration of Government ?

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A.—(*a*) The information asked for is appended.[a]
(*b*), (*c*) & (*d*) No.

Sriman BISWANATH DAS Mahasayo :—" May I know whether or not any memorial from the Ryots Association, Dharakote, and hundreds of petitions were sent to the Government by the zamindari ryots of the estates of Attagada and Kallikota through the Collector of Ganjam in 1928 ? "

The hon. the PRESIDENT :—" Is it a supplementary question arising out of the answer given to this question ? "

Sriman BISWANATH DAS Mahasayo :—" Because they have said in answer to clause (*c*) ' No '."

The hon. the PRESIDENT :—" The Government have given their answer with reference to the question contained in clause (*c*), viz., ' Zamindari Ryots Association, Ganjam ', the ' Zamindari Ryots Conference '. The hon. Member's question, viz., representations made by the zamindari ryots of Attagada and Kallikota estates is not included in that question. Therefore his supplementary question does not arise out of the main question given here. So if the hon. Member wants to have information on that point he must give notice."

Proposed withdrawal of the concessions regarding removal of leaves, etc., from the reserves.

*33 *Q.*—Mr. A. B. SHETTY : Will the hon. the Law Member be pleased to state—

(*a*) whether the Chief Conservator of Forests has proposed that the concessions regarding the removal of leaves, fuel, etc., from the reserves should be withdrawn, because a few individuals here and there have abused them ; and

(*b*) whether the Government have considered the great hardship which will be caused to the people, especially to those living near the coastal reserves by the withdrawal of the concessions ?

A.—(*a*) No such proposals have been received by Government. They, however, understand that the Conservator has taken the trouble to instruct the ryots that the concessions will have to be withdrawn in public interests if they are abused.

(*b*) Yes. A copy of the reply sent to the hon. Member on a representation made by him is placed on the Council Table.[b]

Mr. A. B. SHETTY :—" The Government say in answer to clause (*a*) ' They however understand that the Conservator of Forests has taken the trouble to instruct the ryots that the concessions will have to be withdrawn in public interests if they are abused '. May I know to what extent that information has really reached the ryots concerned ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Obviously, I am unable to give an answer to that question. My hon. Friend must ask the ryots."

Mr. K. R. KARANT :—" May I know in what form the instructions have been issued ? "

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[a] Printed as Appendix II on page 107 infra. [b] Printed as Appendix III on page 108 infra.

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The hon. Diwan Bahadur M. Krishnan Nayar :—" I suppose the Conservator of Forests must have sent letters through his subordinate officers to the ryots concerned."

Mr. K. R. Karant :—" May I know whether these instructions will be published in the local papers ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" I have no objection."

Financial position and prospects of the Chenat Nair Forest Exploitation Scheme.

*34 Q.—Mr. J. A. Saldanha : Will the hon. the Law Member be pleased to place before this House a statement showing the financial position and prospects of the Chenat Nair Forest Exploitation Scheme ?

A.—The attention of the hon. Member is invited to G.O. No. 485, Development, dated 17th March 1928, which was placed on the table of the House.

Mr. J. A. Saldanha :—" May I know from the hon. the Law Member whether the impressions he formed about the Chenat Nair Forest Exploitation Scheme are correct or not ? "

The hon. the President :—" I say that question is an argument."

Mr. J. A. Saldanha :—" On another occasion the hon. the Law Member said that he formed certain impressions about the Chenat Nair Forest Scheme. I am simply asking whether those impressions are correct and what are the ultimate results of his visit to the Chenat Nair Forest."

The hon. Diwan Bahadur M. Krishnan Nayar :—" I visited only the saw mill and the outskirts of the Chenat Nair forests, and I said that from my visit I formed certain impressions."

The hon. the President :—" I wish to know how a supplementary question arises out of this question. There is no reference in this question to the visit of Chenat Nair forests by the hon. the Law Member."

Deputation of an officer to study modern logging methods.

*35 Q.—Mr. J. A. Saldanha : Will the hon. the Law Member be pleased to state—

(*a*) whether any officers were deputed or have been deputed or are proposed to be deputed to the Philippines or Burma or any other place to study modern logging methods and if so, who, of what nationality and with what qualifications ;

(*b*) whether any of the officers so deputed has returned to the Forest Department, and if so, who, where, in what capacity and with what salary and benefit ;

(*c*) whether any such officer, on return, has not been employed in logging operations or other service, and if so, the reasons therefor ; and

(*d*) if the officer so deputed or to be deputed is non-Indian, why no Indian was selected ?

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A.—(*a*) & (*d*) It is proposed to depute an Extra Assistant Conservator of Forests and a Range Officer to the Philippines for five months from about December 1928 for the purpose of studying modern logging methods. The personnel of the deputation has not yet been decided.

(*b*) & (*c*) Do not arise.

Mr. A. Ranganatha Mudaliyar :—" Are there any officers who are working out this scheme who are conversant with modern method of logging ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" I want to have notice."

Mr. G. Harisarvottama Rao :—" May I know with reference to the answer to clause (*d*) whether the Government are prepared to depute only Indian members for this purpose ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" Government have not come to any conclusion on that point. After consultation with the Chief Conservator of Forests they will come to a conclusion."

Marine

Progress of the Tuticorin Harbour Works Scheme.

* 36 *Q.*—Mr. J. A. Saldanha : Will the hon. the Law Member be pleased to state—

(*a*) in what stage of develcpment the Harbour Works Scheme at Tuticorin is ;

(*b*) what future development is contemplated, and at what cost ;

(*c*) what contribution the Port Trust is expected to make or has decided to make ; and

(*d*) what has been the total expenditure on the works up to date, and how the capital and interest are repaid or are to be repaid ?

A.—(*a*), (*b*) & (*c*) The hon. Member is referred to the Prees Communiqué on Tuticorin Harbour issued by Government on 7th March 1928. The Government have since asked the Harbour Engineer-in-Chief to prepare separate detailed estimates for the cost of construction and maintenance of a complete harbour at (*a*) Hare Island and (*b*) the site fronting Tuticorin suggested by the Committee of Harbour Engineering Experts.

(*d*) The expenditure on Capital works up to 31st March 1928 against the estimates prepared in 1925 is Rs. 25,95,576. Loans aggregating 23 lakhs have been taken by the Trust from Government for the execution of the works. These loans are repayable in 30 annual equated payments which include both principal and interest.

Mr. J. A. Saldanha :—" May I enquire whether the Government have in view two separate harbours, one at Hare Island and the other at Tuticorin alternatively, or whether they are going to put this as a combined scheme ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" The Government have not come to any conclusion in the matter. They have called for estimates on both the harbours."

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Mr. J. A. SALDANHA :—" May I know whether it is under contemplation to leave this scheme to the Government of India as they will take it up if the cost exceeds more than a crore of rupees ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I want notice."

Mr. J. A. SALDANHA :—" May I know on whom the cost of constructing these harbours will fall ultimately ? The preliminary expenses only have come to five lakhs and when the harbour is completed, may I know on whom the whole burden will fall ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" On the persons who spend the money."

Expenditure on the Harbour works at Cochin.

* 37 *Q.*—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

(*a*) in what stage of development the Harbour works at Cochin stands and the expenditure up to date and estimated in future;

(*b*) what has been the excess of expenditure over the estimates originally made and revised later on, on what grounds and in what circumstances ;

(*c*) whether any of the items of expenditure were due to the carelessness of the officer that had prepared the plans or were not foreseen by him at the time; and

(*d*) if so, who is to be held responsible for the loss ?

A.—The hon. Member is referred to the report of the Harbour Engineer-in-Chief published with G.O. No. 286, Finance (Marine), dated 17th May 1928, which has been placed on the Editors' Table, and to the answer to question No. 1025 given at the meeting of the Legislative Council on 1st November 1927.

In the inner harbour, about 35 acres were reclaimed by the end of May to a height of seven feet or over about low-water mark. Reclamation of further areas was also in progress.

The actual expenditure on capital works up to the end of June 1928 was Rs. 44,37,754.

The reasons for the variations between the original and revised estimates were given in full in the answer to question No. 1025 referred to above.

Mr J. A. SALDANHA :—" With reference to clause (*b*) of this question, may I know on whom the penalty will fall for this excess expenditure over the estimates ? It was said that there was some mistake by some officer ? Who is responsible for this loss ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not admit the correctness of the premises of my hon. Friend. I do not admit that anybody has made a mistake."

Mr. J. A. SALDANHA :—" It was admitted in answer to another question. I ask who is to be held responsible ? Will the hon. the Law Member make enquiries on this subject ? "

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Education

Prevention of smoking in schools and colleges.

* 38 Q.—Mr. A. B. Shetty: With reference to question No. 1528 answered on 27th February 1928, will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether the Government have called for a report on the effect which the circular issued in 1925 for preventing smoking in schools and colleges has had on the students; and

(*b*) if so, whether they will be pleased to place it on the table of the House?

A.—The Director of Public Instruction states that the complete reports have not been received as yet to the circular issued by him calling for information, but that the replies received so far enable him to say with confidence that the circular issued in 1925 has had a perceptible effect in the prevention of juvenile smoking.

Mr. A. B. Shetty:—"How many of the educational institutions have sent replies to the circular issued by the Director of Public Instruction?"

The hon. Dr. P. Subbarayan:—"All replies have not yet been received."

Mr. A. B. Shetty:—"Will the hon. the Minister be pleased to obtain reports from such institutions which have not sent their report so that we may have fuller information?"

The hon. Dr. P. Subbarayan:—"Yes."

Admission into the Madras Law College of students who fail in the F.L. Examination.

* 39 Q.—Mr. A. B. Shetty: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether the Madras Law College Council at any time made proposals for admitting into the B.L. class students who have failed in the F.L. examination;

(*b*) why the Government have not till now allowed such admissions to be made;

(*c*) whether those reasons will cease to exist after the abolition of the pleadership class;

(*d*) what the loss of fee income to the Government is on account of the Madras law students having to go to Trivandrum; and

(*e*) whether Government will consider the desirability of admitting in the Madras Law College students who fail in the F.L. examination?

A.—(*a*) In 1923, the Government invited the views of the Law College Council on the proposal in question. The Council expressed themselves against the proposal.

(*b*) It is considered educationally undesirable that a student should be attending lectures in some subjects when he is preparing for examination in other subjects not taught to him in his class room.

(*c*) No.

(*d*) The Government have no information.

(*e*) The Government are unable to entertain the suggestion.

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Mr. A. B. SHETTY :—" In view of the opinion held by the Government that 'it is educationally undesirable that a student should be attending lectures in some subjects when he is preparing for examination in other subjects not taught to him in his class room,' may I know how in Trivandrum Law College they allow such a thing?"

The hon. Dr. P. SUBBARAYAN :—" What is considered as good by the Travancore Government may not be considered so by the Madras Government."

Mr. T. ADINARAYANA CHETTIYAR :—" Since the Government obtained this opinion, viz., that it is undesirable 'that a student should be attending lectures . . . etc.,' so long ago as 1925, can they not attempt to elicit a fresh opinion now?"

The hon. Dr. P. SUBBARAYAN :—" I am still of opinion that it is educationally undesirable. There are peculiar conditions prevailing in Madras and it would not be suitable to adopt the system proposed."

Special lectures in the Madras Law College.

*40 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) how many special lectures were given in the Law College each year during the last two years;

(b) what amount was spent every year for this purpose; and

(c) what percentage of students on an average attended these lectures?

A.—(a) 62 in 1926-27.
55 in 1927-28.

(b) Rs. 15,000 during each of the two years.

(c) As attendance was not taken during the special lectures, it is not possible to give the information required under this head.

Mr. A. B SHETTY :—" May I know whether it is a fact that only a small number of students on an average attend these special lectures."

The hon. Dr. P. SUBBARAYAN :—" Yes."

Progress made by the Committee to co-opt Agricultural Education with that of Arts.

*41 Q.—The ZAMINDAR OF GOLLAPALLI : Will the hon. the Minister for Education and Local Self-Government be pleased to state the progress made in the work of the Committee to co-opt Agricultural education with that of Arts?

A.—The final report of the Committee appointed by the Director of Public Instruction to work out detailed proposals for the teaching of the elements of agriculture in select higher elementary and secondary schools has not yet been received. The Director has been asked to expedite the submission of the report.

The ZAMINDAR OF GOLLAPALLI :—" May I know definitely in what stage the work of the Committee is?"

The hon. Dr. P. SUBBARAYAN :—"The final report of the Committee has not yet been received. So I cannot say definitely at what stage the progress of the committee is."

Local Boards

Nominations to taluk boards in North Arcot district.

* 42 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) how many nominated seats fell vacant in the several taluk boards in the North Arcot district at the end of March 1928 ;

(b) the names of persons nominated by the District Board President to these vacancies with the caste of such nominees ;

(c) the number of members in each taluk board in North Arcot district castewar previous to these nominations ;

(d) whether as a result of the nominations (after March 1928) any seats usually allotted to and generally reserved for minority interests such as Christians, Adi-Dravidas and Mussalmans were filled up by persons not belonging to such minority interests or castes ;

(e) whether the hon. Minister had occasion to warn the District Board President against such misuse of his power of nomination to the detriment of minority interests ;

(f) whether the District Board President continued to persist in such misuse of his power of nomination even after such warning ; and

(g) what is the action the Government propose to take in the matter?

A.—(a) *to* (d) & (f) The Government have called for the information.

(e) Yes.

(g) The question will be considered on receipt of the information called for.

Mr. C. V. VENKATARAMANA AYYANGAR :—"With reference to the answer given to clause (a) will the Government be pleased to state whether they will get information only for North Arcot district or for other districts also?"

The hon. Dr. P. SUBBARAYAN :—"The question refers only to North Arcot district."

Overhauling of the Bantwal-Charmadi road.

* 43 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether Government decided to treat the Bantwal-Charmadi road in South Kanara as a trunk or imperial road ;

(b) whether the District Board, South Kanara, asked Government to sanction any and if so, what amount for overhauling the road ; and

(c) whether any amount will be sanctioned or is to be provided for?

A.—(a) The road has been classified as a trunk road with effect from 1928-29.

(b) The President, District Board, South Kanara, applied for a special grant of Rs. 15,000 to re-metal and repair the damaged portions of the road.

(c) The President has been asked to include the work in his application for grants for 1929-30.

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Mr. J. A. Saldanha :—" May I ask whether the President, District Board of South Kanara, did not say that overhauling the Bantwal-Charmadi road was a very urgent necessity ?"

The hon. Dr. P. Subbarayan :—" The President, District Board, South Kanara, submitted his estimate but it was too late when it was received and it was impossible to include that item in 1928–29 budget. The President has again been asked to submit his proposal and it will be included in 1929–30 budget."

Medical

Working hours of the General Hospital, Madras.

*44 Q.—Mr. A. B. Shetty: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Government have obtained the information called for with reference to clauses (a) and (b) of question No. 1842 answered on 30th March 1928, regarding the working hours of the General Hospital, Madras ; and

(b) if so, whether they will be pleased to place it on the table of the House ?

A.—(a) Yes.

(b) The information is laid on the table. [a]

Dr. B. S. Mallayya :—" May I ask the hon. the Minister for Public Health whether all the hospitals excepting the General Hospital in the Madras City work from 7 a.m. to 10 a.m. ?"

The hon. Mr. S. Muthiah Mudaliyar :—" Yes."

Dr. B. S. Mallayya :—" May I ask whether the hon. the Minister for Public Health thinks that the patients have rest in the General Hospital ?"

The hon. Mr. S. Muthiah Mudaliyar :—" That is a matter which the hon. Member knows better than myself."

Public Health

Alleged scarcity of drinking water in North Arcot district.

*45 Q.—Mr. T. Adinarayana Chettiyar : Will the hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that there is a great scarcity of even drinking water in many places in North Arcot district ;

(b) whether it is a fact that the local boards and municipalities have been indifferent in the matter of rendering any help to the suffering people ; and

(c) whether the Government will be pleased to call for a special report on the present situation and sanction special urgent works wherever possible ?

A.—(a) & (b) The Government have no information.

(c) The Government have called for a report in the matter.

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[a] Printed as Appendix IV on page 108 infra.

Agriculture

Proposals to hand over home farms to agricultural demonstrators.

12-15 p.m. * 46 Q.—The ZAMINDAR OF GOLLAPALLI: Will the hon. the Minister for Development be pleased to state—

(a) whether there are any proposals from V. Ramanatham Pantulu Garu, Revenue Divisional Officer of Nuzvid, to establish village farms and to hand them over to the village officers under the guidance of agricultural demonstrators; and

(b) whether there is a proposal from the Zamindar of Vuyyur, Nuzvid, to place his home farms under the guidance of agricultural demonstrators; if so, what are the steps that have been taken?

A.—(a) & (b) The answer is in the negative.

The ZAMINDAR OF GOLLAPALLI:—"Sir, may I know if such proposals are made by private agencies, whether the Government will co-operate with them?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"As far as practicable."

Industries

Progress in the study of the manufacture of agricultural implements and of paper.

* 47 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state—

(a) the various institutions in which the two students who were awarded scholarships for the study of the manufacture of agricultural implements and of paper have so far been working; and

(b) the progress made by them towards the realization of the objects for which the scholarships were granted?

A.—(a) & (b) The Government have no information at present. The report on the progress of each scholar is due from the High Commissioner about December each year. The next report may be expected to contain the information asked for.

Mr. R. NAGAN GOWDA:—"May I know whether any report was received last December about the progress of these students?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Notice, Sir."

Mr. A. RANGANATHA MUDALIYAR:—"Will it not be too late for the Government to take any action if the report is received one year before the completion of the course?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"No report is considered necessary in the case of students whose progress has been satisfactory; a report is necessary only in the case of students whose progress has not been satisfactory."

Mr. A. RANGANATHA MUDALIYAR:—"As regards the student sent there for the study of agricultural engineering, has he so far been provided with any facilities to learn engineering?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Notice, Sir."

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Amendment of the State Aid to Industries Act.

* 48 *Q.*—Mr. J. A. Saldanha: Will the hon. the Minister for Development be pleased to state—

(*a*) whether any defects have been found in working the State Aid to Industries Act;

(*b*) if so, what;

(*c*) what steps have been taken or are being taken to amend the Act; and

(*d*) in which directions amendments are sought?

A.—(*a*) & (*b*) The attention of the hon. Member is invited to the answer to clause (1) of question No. 257 answered on 27th August 1927. It has also been brought to notice that section 9 of the Act is restrictive in that aid cannot be given to enterprises which have no initial industrial assets while applying for aid.

(*c*) & (*d*) The attention of the hon. Member is invited to the amending Bill proposed to be moved during this session of the Council. The Government have also under consideration the question of amending section 9 of the Act.

Mr. J. A. Saldanha:—"May I enquire what defects have been found in section 9 which necessitates its amendment?"

The hon. Mr. M. R. Seturatnam Ayyar:—"The amending Bill that will be introduced will make it clear."

Establishment of a Trades School at Mangalore.

* 49 *Q.*—Mr. A. B. Shetty: Will the hon. the Minister for Development be pleased to state when the Trades School proposed to be established at Mangalore will start work?

A.—It is the intention to open the school as soon as funds become available.

Mr. A. B. Shetty:—"May I know whether the matter was placed before the Finance Committee when the budget was prepared for the current year?"

The hon. Mr. M. R. Seturatnam Ayyar:—"No, Sir."

Mr. A. B. Shetty:—"When are the funds expected to be available, Sir?"

The hon. Mr. M. R. Setoratnam Ayyar:—"At the time of the next budget, Sir."

Veterinary

Opening of veterinary hospitals in Kistna district.

* 50 *Q.*—The Zamindar of Gollapalli: Will the hon. the Minister for Development be pleased to state—

(*a*) whether there is a proposal to open more veterinary hospitals in the Kistna district; and

(*b*) if so, whether the Government will be pleased to consider the desirability of opening one at Vuyyur?

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A.—(*a*) No.
(*b*) The question does not arise.

The ZAMINDAR OF GOLLAPALLI :—" Are the Government aware that more veterinary hospitals are needed in the district ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice, Sir."

UNSTARRED QUESTIONS

Census

Kanarese-speaking population in Coimbatore, Malabar and other districts.

51 Q.—Mr. K. R. KARANT : Will the hon. the Member for Revenue be pleased to state—

(*a*) the total number of Kanarese-speaking population of each taluk and the names of villages in each taluk with their population wherein the majority speak Kanarese in each of the districts of Malabar, Coimbatore, Salem, North Arcot, Chittoor and Anantapur ; and

(*b*) the names and population of the villages of the taluks of Adoni, Rayadrug and Alur of the Bellary district who speak Kanarese and Telugu respectively ?

A.—Figures are not available from the Census records of the Kanarese-speaking population in each taluk and village of the Malabar, Coimbatore, Salem, North Arcot, Chittoor, Anantapur and Bellary districts.

Irrigation

The Odugathur Valley Scheme (North Arcot district).

52 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Member for Revenue be pleased—

(i) to lay on the table the papers connected with the Odugathur Valley Scheme (North Arcot district) ; and

(ii) to state—

(*a*) whether there is any rule of Government that every new scheme for the construction of a tank should yield a certain percentage of interest ;

(*b*) whether it is a fact that the scheme will bring about 1,500 acres of land under wet cultivation ;

(*c*) whether the Government will be pleased to construct the tank in the Melarasambut hills ; and

(*d*) whether the Government will be pleased to examine the question and see if a larger area cannot be brought under wet cultivation when the tank is constructed ?

A.—(i) The papers are laid on the table.[a]
(ii) (*a*) The Government of India have laid down a rule under which productive works financed from loan funds should give a return of 6 per cent on the sum at charge including arrears of simple interest, within ten years after completion.

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[a] Printed as Appendix V at pages 109—112 infra.

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(b) The scheme was expected to irrigate 1,400 acres.

(c) & (d) The hon. Member will see that the scheme was not proceeded with for the main reasons, that it will detrimentally affect the supply to the existing irrigation under the Palar anicut system and that the estimated revenue return was about $3\frac{1}{4}$ per cent only.

Supply of water to lands in certain villages of Cuddapah taluk.

53 Q.—Mr. A. PARASURAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether any investigation was ever made to extend the supply of the water of Cuddapah-Kurnool canal or of the Kukkalagundam vanka to the villages of Pakirpalli, Utukur, Bhakarapet, Reddicheruvu, Puttampalli and Buddayapalli in Cuddapah taluk of Cuddapah district by diverting it from Pasupulavandlapalli village; and

(b) if so, what is the result?

A.—(a) & (b) A report has been called for.

Land Revenue

Alleged order for the demolition of the Bajana koil at Velumanthangal.

54 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received a memorial from the ryots of Velumanthangal in the North Arcot district pointing out that the order of the Collector directing the demolition of a Bajana koil recently constructed is, though technically correct, high-handed and improper;

(b) whether it is a fact that there is enough of space on both sides of the temple to admit of easy passage of carts, etc.; and

(c) whether the Government will be pleased to allow the Bajana koil to stand as it is?

A.—(a), (b) & (c) No complaint or representation on the subject has reached the Government who have not heard of the case at all. The alphabetical list of villages in North Arcot district does not contain the name Velumanthangal.

Minor Irrigation

Repairs to the breaches in Kozhamanganur tank in Tiruvannamalai taluk.

55 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the tank-bed of the Kozhamanganur tank in Tiruvannamalai taluk, which was breached about fifty years ago, was sold in auction, in spite of the representations of the villagers that it should not be sold, and that it should be repaired; and

(b) whether the Government will be pleased to take up the restoration of the tank by cancelling the sales?

A.—(*a*) & (*b*) The Government have no information regarding the case and know of no reason why they should take the course suggested even supposing they had the legal power to do so, as the prospects of restoring the tank were presumably investigated before the land forming the tank-bed was sold.

Restoration of the tanks at Pulimedu in Vellore taluk.

56 *Q.*—Mr. T. Adinarayana Chettiyar : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government are aware of the fact that two tanks in Pulimedu village in Vellore taluk breached about fifty years ago and that no endeavour has been made to restore them ;

(*b*) whether the petition of the ryots of the Pulimedu praying for the restoration of the tank was investigated by any officer of the Engineering Department, above the grade of Minor Irrigation Overseer ; and

(*c*) if the answer to clause (*b*) is in the negative, whether the Government will be pleased to direct an investigation of the question by the Chief Engineer or the Superintending Engineer ?

A.—(*a*) & (*b*) The Government have no information on the subject.

(*c*) If tanks breached fifty years ago and have not been restored since, the most probable explanation is that they are not worth restoring. Unless therefore some special circumstances appear to justify enquiry the Government regret they cannot undertake to order such enquiry.

Public Service

Interpretation of " continuous service " in G.O. Mis. No. 675, *Public, dated* 29*th July* 1927, *regardin public service.*

57 *Q.*—Mr. T. Adinarayana Chettiyar : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether " continuous service " referred to in paragraphs (1) and (2-A) of G.O. Mis. No. 675, Public, dated 29th July 1927, refers to service as clerk or to any other service under Government (whether " superior " or " inferior ") on any time-scale of pay ; and

(*b*) whether the interruption of duty in another post (whether superior or inferior) is " break in continuity " with reference to paragraph 3 of the above Government Order; while the period counts for increment as per audit instruction 1 for the Subsidiary Rule to Fundamental Rule 35 under the heading " Continuity of service not interrupted by duty in other posts " on page 29 of the Audit Manual, Volume I?

A.—(*a*) (i) Service in appointments, the substantive pay of which is not less than Rs. 35 in the mufassal or Rs. 40 in the city, and

(ii) service as temporary clerks in the Registration department, provided that the candidates had been recruited before 16th November 1926 and satisfied the requirements of order No. 85 (III) (*c*) of the Registration Manual, will count towards the continuous service referred to.

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(*b*) Interruption by duty in other posts will not operate as a break in service for the purposes of calculating continuous service under paragraphs 1 and 2 of G.O. No. 675, Public, dated 29th July 1927, provided these other posts satisfy the conditions specified in the answer to clause (*a*).

Qualifications for public service.

58 *Q.*—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Member for Revenue be pleased to state whether any individual cases were brought to the notice of the Government by the heads of departments as per answer given to clause (*d*) of Question No. 334 answered on 16th March 1927 regarding qualifications for public service, and if so, with what results?

A.—Yes. The Government granted individual exemptions in certain cases. As the cases brought up were many general orders were passed in G.O. No. 675, Public, dated 29th July 1927, making eligible for public service all men who were unqualified according to the orders in G.O. No. 965, Public, dated 16th November 1926, but who were qualified according to the rules as they stood prior to the issue of that Government Order including any supplementary regulations prescribed then by heads of departments and who had to their credit on 16th November 1926 not less than one year's continuous or two years' total satisfactory service under Government.

Secretariat

Appointment of Muhammadans in the Secretariat.

59 *Q.*—Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur: Will the hon. the Member for Revenue be pleased to state how many permanent vacancies occurred in each grade of clerks in each department of the Secretariat between 1st January 1928 up to date, and how many of them were filled up by Muhammadans?

A.—

—	Number of vacancies occurred from 1st January 1928 up to date.		Number filled by Muhammadans.	
	Upper division.	Lower division.	Upper division.	Lower division.
Chief Secretariat	..	1	..	..
Local Self-Government Department.	1	..	..	..
Law Department	2	2	..	1
Public Works and Labour Department	1	1	..	..
Finance Department	1	..	1	..

NOTE.—There were no permanent vacancies of clerks during the period in question in the Revenue and Development Departments.

Police

Alleged menial work done by clerks of the office of the Inspector-General of Police.

60 Q.—Mr. A. Ranganatha Mudaliyar: Will the hon. the Home Member be pleased to state—

(a) whether clerks of the office of the Inspector-General of Police, Madras, are required to go round the office after 5 p.m., collect and burn all waste paper, roll up chicks and tattis, close doors, etc.;

(b) if so, whether the same system obtains in the Secretariat and other offices; and

(c) if not, the reasons for asking the clerks of the Inspector-General's office to do what is really the work of the menial subordinates of the office?

A.—(a) & (c) A clerk is deputed each week to go round the Inspector-General's office to see that the rules for the protection of buildings from fire are complied with. He is not required to collect and burn all waste paper, roll up chicks and tattis, close doors, etc.; his function is to see that the office orderlies do this.

(b) The Supervisor and Building Overseer perform this function in the Secretariat. In other offices the rules require a clerk to go round each night.

Prevention of Cruelty to Animals Act

Prevention of cruelty to animals.

61 Q.—Mr. A. Ranganatha Mudaliyar: Will the hon. the Home Member be pleased to state the steps taken by the Government to put an end to the cruelties attendant on animal sacrifices such as flaying the animals alive stopping their breathing, beating them with fists, lifting and throwing them down, etc.?

A.—The attention of the hon. Member is invited to sections 3—6 and section 11 of the Prevention of Cruelty to Animals Act, 1890.

Electricity

Supply of electricity to Conjeeveram town.

62 Q.—Mr. A. Ranganatha Mudaliyar: Will the hon. the Law Member be pleased to state—

(a) whether the Co-operative Electric Supply Corporation, Limited, Conjeeveram, applied for a licence for the supply of electricity to Conjeeveram town;

(b) if so, whether the licence has been granted and when; and

(c) if not, why not?

A.—(a) Yes.

(b) No.

(c) The grant of the licence has been refused as it is proposed to grant a licence to the Conjeeveram Municipal Council and it is not necessary to have two licensees in the area.

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Education

Introduction of education regarding the humane treatment of animals.

63 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Government have taken any, and, if so what, steps to impart to boys and girls reading in the elementary and middle schools education as regards the humane treatment of animals ?

A.—As regards elementary schools paragraph 2 of Appendix IV of the Madras Inspection Code lays down that it should be the aim of each teacher to impress on the children the importance of kindness to all living creatures but specially to those weaker than themselves. Kindness to animals is of course a common topic in text-books. As regards secondary schools, in the course of studies prescribed for the teaching of English 'service and kindness towards animals' has been included in the syllabus for form III.

Village Panchayats

Facilities to panchayats for depositing funds.

64 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state the facilities afforded to the panchayats established under the Panchayat Act for depositing the money with them in the Government treasury, Postal Savings Banks, Co-operative Banks and societies or other safe bodies ?

A.—Under rule 61 of the rules issued under the Madras Village Panchayat Act, 1920, the panchayat fund should be deposited in the nearest Post Office Savings Bank or may with the approval of the Registrar be lodged in any bank or entrusted to a co-operative society or left in the custody of the president or any other respectable person. As a matter of practice village panchayats generally deposit their balances in the Post Office Savings Banks.

For the opening of an account in the Post Office Savings Bank in the name of the panchayat the Post Office rules require a certificate from an officer of Government not below the rank of a Tahsildar. This certificate is granted by the Registrar-General.

Agriculture

Exportation of cattle from this Presidency.

65 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state the measures in force to stop the exportation of cattle from this Presidency, with details as to their date of introduction, the places concerned, and the effects so far observed ?

A.—The export of the Ongole breed of cattle only is prohibited by sea out of the Presidency to any place beyond the limits of British India. This prohibition came into force from November 1922 and continues to be in force with the result that the rapid depletion of this splendid stock of cattle anticipated as a consequence of indiscriminate exportation has been checked.

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Annual output of food crops in the Presidency.

66 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state the total extent sown in the Presidency under each of the food crops for the last three years for which figures are readily available and their annual yield in terms of Madras measures?

A.—The hon. Member is referred to the appendices to the annual season and crop reports which are published. The equivalent of a ton in terms of Madras measures for any crop can be obtained from Mr. Wood's "Note-book of Agricultural Facts and Figures"—pages 52 to 82—which is published.

Co-operative Societies

Action taken on the Report of the Committee on Co-operation.

67 Q.—Mr. C. GOPALA MENON: With regard to the Report of the Committee on Co-operation, will the hon. the Minister for Development be pleased to state—

(a) what action he has taken on the same; and whether any Government Order has been issued on the report;

(b) whether the Government intend to appoint the additional staff recommended by the Committee, namely, a superior officer for each district and additional inspectors;

(c) whether the Government intend to establish a Provincial Land Mortgage Bank for the purpose of strengthening the existing primary land mortgage banks; and

(d) whether Government intend to make a subsidy or grant to the Madras Provincial Co-operative Union for propaganda and education as recommended by the Committee?

A.—(a) The report is under the consideration of Government. No orders have been issued except G.O. No. 309, Development, dated 21st February 1928, directing publication of the report.

(b) The proposal to revert to the old arrangement of having an officer of the standing of a Deputy Registrar for each district is under consideration. As regards inspectors, the Government sanctioned in November 1927 a staff of 24 inspectors for work connected with the liquidation of societies and of 48 inspectors for supervision of co-operative societies. This is in accordance with the recommendation of the Committee that there should be at least three administrative inspectors in each district other than those required for audit and non-credit work. The other recommendations of the Committee regarding inspectors are being considered by Government.

(c) A proposal to establish a Central Land Mortgage Bank to centralize the debenture issue and to finance the primary land mortgage banks which may be affiliated to it is under consideration of Government.

(d) The Registrar's proposals on this point are awaited. The union is however in receipt of a subsidy of Rs. 1,200 to enable it to conduct classes for training co-operative workers.

IV

IV.—LIABILITY OF THE GOVERNMENT TO ANSWER QUESTIONS BASED ON NEWSPAPER ALLEGATIONS.

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir; with regard to the question No. 12 of the hon. Member Mr. Harisarvottama Rao, I have to submit a few remarks for your consideration. It consists of three clauses (*a*), (*b*) and (*c*) and they are all answered together as though they related to only one matter, viz., the Bill of Mr. Harisarvottama Rao. I submit, Sir, that the first two clauses refer to the question of law relating to kudimaramat, which is of general importance, and only when the answer to these questions is in the positive, the clause (*c*) of the question has force. The hon. the Revenue Member said that he thought that all the three clauses referred only to the Bill of the questioner. There is the possibility of there being no answer to question (*c*) if the answer to either (*a*) or (*b*) is not in the positive. I would request the hon. the Revenue Member to take time if he likes and answer the question of general importance raised in the first two clauses of the question."

* The hon. Sir NORMAN MARJORIBANKS :—" Sir, the hon. Member has now explained the matter clearly. If I had understood his question in that way an answer would have been given before. There is no Bill relating to kudimaramat at present before the Government."

* Mr. S. SATYAMURTI :—" As regards question No. 20, Sir, it will be noticed that the hon. Member did make certain allegations in that question, namely, whether it is a fact that the Tahsildar of Gudiyattam recently assaulted a ryot of Katpadi when he was camping in that village ; whether there was a criminal complaint about him in the local panchayat court ; and whether the same officer kicked a Hindu idol. In answer to clause (*d*) asking whether the Government propose to instruct the Collector concerned to transfer him to some other taluk, the Government have stated that having regard to the answer to the questions (*a*), (*b*) and (*c*) the answer to this clause is in the negative. In answer to a supplementary question the hon. the Revenue Member stated that he wanted something more than the incorporation of the allegations in the question, before the Government would take any action in the matter. With all respect, I submit that both under the Standing Orders and under a ruling given by a distinguished predecessor of yours, Sir P. Rajagopala Achariyar, all that is required is that before the Government is called upon to take any action or to enquire into any matter, the Member putting the question must incorporate those allegations as part of his question. Recently also your office returned to me a question containing allegations from newspapers and asked me to incorporate those allegations as part of that question. I make myself responsible for the statement that these allegations are made ; I make these allegations myself. Beyond that, to require that I should vouchsafe for the accuracy of the statements I make is not proper. If so, the purpose of questions will be lost. If I know my allegations to be facts, I would then be supplying information to the Government and be liable to be ruled out very rightly. What all we can do is to incorporate the allegations in our questions and ask for accurate information from the Government. The Government must take action on our questions. I ask for a ruling on this point."

* Mr. T. Adinarayana Chettiyar :—" As one responsible for bringing this subject prominently before the Council to-day, I think I should also speak a few words to supplement what the hon. Member for the University has already said. In this particular case it was not possible for me to give more information than I have given already. Mr. Gnanaprakasam while returning from camp on 20th January last, it is reported, actually kicked a ryot at a place which was only $3\frac{1}{2}$ miles from the headquarters of the District Magistrate. The assaulted individual complained to the village panchayat by means of a petition. The president of that panchayat court happens to be the karnam of the village. Mr. Gnanaprakasam seems to have sent for the karnam and unduly influenced him to withdraw his complaint. Since then, Mr. Gnanaprakasam had brought a case of illegal quarrying on Government lands against the assaulted ryot and I understand that attempts are being made to compromise with the ryot on terms that the ryot should withdraw his case and that the 'consideration' should be that the quarry case against him should be withdrawn."

* The hon. the President :—" I think the hon. Member is going beyond the actual limits of the question before the House. If the hon. Member likes, he may take responsibility for these matters and put them as further questions."

Mr. T. Adinarayana Chettiyar :—" Sir, I take full responsibility for all the information that I have given ; if I had attempted to give more in my original interpretation I would be ruled out as 'giving' information and not 'asking' for it More could not be expected of a non-official Member. They can only draw attention to what they hear of grave injustice on the part of officers of the Government, who ought to know better than this officer seems to have done, in this particular instance."

* The hon. Sir Norman Marjoribanks :—" Mr. President, Sir, in the first place I must submit that I have answered these questions as far as the information at the disposal of the Government would permit. The further question was whether we would make an enquiry into the matter. But the difficulty in that case is I do not know how it is provided for. The question is whether so and so assaulted so and so. Is it suggested that the Government should try the case and come to a conclusion and report it to the House? Government were asked to say whether the criminal complaint against this man was withdrawn. That can be ascertained. Then again it was asked whether on a previous occasion that officer kicked a Hindu idol. There are two criminal complaints against this officer and I do not see how the Government is to give reply to this question unless they were to try the cases themselves."

* Mr. S. Satyamurti :—" My province is not to advise the Government as to what they should do. The question is whether the Government are entitled to ask for something more than the incorporation of the allegations in the question. Then it is for the Government to decide what they should do and whether they should do anything at all. The only point for your ruling is whether the Government are entitled to ask for anything more than this. If I may for one moment advise such an exalted person as the hon. the Revenue Member of the Government of Madras, I may suggest to him

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to write to the Collector of the District of North Arcot and ask him for a report on the matter and if he is satisfied with the accuracy of these allegations to prosecute the officer concerned on these allegations in a court of law."

* The hon. Sir NORMAN MARJORIBANKS :—" I may say, Sir, that I did not say that I was entitled to get a further assurance from the hon. Member. I merely stated that I would not take the action suggested in the circumstances."

Mr. A. RANGANATHA MUDALIYAR :—" Sir, my recollection is that the hon. the Revenue Member said that in cases of this sort further assurance from the questioner was necessary before he would take action in the matter. When the question is put in this form, I think the Government should take whatever action it is possible for them to take and not ask for further assurance in this matter."

* The hon. Sir NORMAN MARJORIBANKS :—" As I said, I did not contend that I was entitled to ask for further assurance."

* The hon. the PRESIDENT :—" The question for consideration is whether when a Member takes responsibility for the allegations contained in his question, the Government will be justified in asking for further assurance as to the truth of the allegations. Where Members refer to newspaper reports in their questions, my predecessor has held they should take the responsibility for the allegations in them by incorporating such allegations in their questions and not stop with merely referring to the newspapers. I think that the mere incorporation of the allegations in the question is sufficient so far as the questioner is concerned. It is for the Government to decide what answer they should give and they are not justified in asking for any further assurances."

V

PANEL OF CHAIRMEN.

The hon. the PRESIDENT :—" I have to announce to the House that I have appointed the following four gentlemen to be a panel of chairmen for this session :—

(1) Mr. Abdul Hamid Khan.

(2) Diwan Bahadur S. Kumaraswami Reddiyar.

(3) Mr. T. C. Srinivasa Ayyangar.

(4) Mr. V. I. Muniswami Pillai."

VI

MOTION FOR THE ADJOURNMENT OF THE BUSINESS OF THE HOUSE IN *RE* THE SOUTH INDIAN RAILWAY STRIKE.

* Mr. S. SATYAMURTI :—" Sir, I ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the action taken by the Madras Government in connexion with the recent strike of the workers in the South Indian Railway, especially their indifference to arbitrate between the workers and the Company."

" The hon. the PRESIDENT :—" I wish to know whether there is any objection to my holding this motion to be in order."

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* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:— "Sir, I should like to point out that there is no urgency about the matter. There is no strike at present; it has come to a close. All the workers on the line have joined duty. With regard to the workshop labourers, I think that all of them have resigned their jobs and are getting their bonuses and gratuities. Under the circumstances there is nothing for the Government to arbitrate."

* Mr. S. SATYAMURTI:—"There is a good deal for the Government to arbitrate upon. It is a matter of opinion, I submit. At present, the workshop men are resigning because they must."

* The hon. the PRESIDENT:—"Are they resigning or have they all resigned?"

12-30 p.m. * Mr. S. SATYAMURTI:—"They have not all resigned; they are resigning and their places are being filled up by other people. Those who have resigned are also invited to come back on certain new conditions. That position is not yet over.

"Secondly, Sir, the Agent had offered to arbitrate on the question of the grievances of the menials, as they are called, and the running staff. But after the strike was over, that offer was withdrawn. Even to-day those grievances have not been redressed. The Agent has withdrawn the recognition of the union and there are to-day constant disputes between the Railway Company and the workers in the settlement of which, it is our opinion, that the Government may usefully arbitrate. That is the urgency of the matter and we believe that, if the matter was discussed, it can be shown the Government can usefully interfere and prevent the deadlock."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"On the question of arbitration, Sir, I submit that the Government can interfere as arbitrators only if both the parties consent. Here there are two parties, the Railway authorities and the labourers. The Government can interfere as arbitrators only if the two parties concerned agree."

* The hon. the PRESIDENT:—"We are not now going into the merits of the question. Is it a point of order?"

* The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"If both the parties do not agree as to the points on which there should be arbitration, how can the Government arbitrate?"

Mr. SAMI VENKATACHALAM CHETTI:—"The answer to the hon. Member's question is contained in his own statement. If the two parties consent, there is matter for arbitration by the Government. Our point of view is that there are conditions existing in which the arbitration of the Government can be found to be possible and useful."

* The hon. the PRESIDENT:—"I think the motion is in order.

"I wish to know whether it is objected to. (After a pause.) Since no objection is raised, before I fix the time, I wish to know the convenience of the Government to take up this motion to-day or to-morrow."

* The hon. Sir NORMAN MARJORIBANKS:—"To-morrow, Sir."

* The hon. the PRESIDENT:—"I fix 2-30 p.m to-morrow for the discussion of the motion.

"The notices of other adjournment motions will wait for to-morrow."

VII

(a)

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

The hon. the PRESIDENT :—"I have to announce that the undermentioned Acts which were passed by the Council received the assent of His Excellency the Governor-General on the dates noted against each :—

(1) The Madras Christian Marriages Validation Act, 1928.	15th March 1928.
(2) The Jaggampeta A and D Estates Impartible Estates Act, 1928.	22nd May 1928.
(3) The Madras Children (Amendment) Act, 1928.	26th May 1928.
(4) The Mappilla Wills Act, 1928	30th May 1928."

(b)

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

The hon. the PRESIDENT :—"I have to announce that the undermentioned Acts which were passed by the Council received the assent of His Excellency the Governor on the dates noted against each :—

(1) The Jaggampeta A and D Estates Impartible Estates Act, 1928.	30th April 1928.
(2) The Madras Children (Amendment) Act, 1928.	3rd May 1928.
(3) The Mappilla Wills Act, 1928	9th May 1928.

VIII

COMMUNICATIONS TO THE COUNCIL.

(a)

The SECRETARY laid on the table copies of—

(1) the list of posts on Rs. 500 per mensem and above created during the quarter ending March 1928 ; [a]

(2) the list of resolutions passed by the Madras Legislative Council during the second session 1927–28 and the action taken thereon by the Government ; [b]

(3) proceedings of the sixteenth and seventeenth meetings of the Finance Committee for 1927–28 and the proceedings of the first meeting of the Finance Committee for 1928–29 held on the 12th and 15th March 1928 and 17th August 1928 respectively. [c]

(b)

The SECRETARY laid on the table copies of the following Government Orders :—

(i) G.O. No. 381, Development, dated 1st March 1928, recording the audit report of the Kerala Soap Institute, Calicut, for the quarter ending 30th June 1927. [d]

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[a] Vide Appendix VI at pages 113–116 infra.
[b] Vide Appendix VII at pages 117–118 infra.
[c] Printed separately.
[d] Do.

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(ii) G.O. No. 403, Development, dated 6th March 1928, passing orders on the audit report of the Agricultural College dairy for the year ending 31st March 1927. [e]

(iii) G.O. No. 485, Development, dated 17th March 1928, passing orders on the audit report of the Chenat Nair Exploitation division, Olavakkot, for the year ending 31st March 1927. [f]

(iv) G.O. No. 534, Development, dated 26th March 1928, recording the audit report of the Fruit Preserving Institute, Coonoor, for the year 1926-27 and for eight months ending 30th November 1927. [g]

(v) G.O. No. 554, Development, dated 27th March 1928, recording the audit report of the Kerala Soap Institute, Calicut, for the quarter ending 30th September 1927. [h]

(vi) G.O. No. 574, Development, dated 29th March 1928, recording the audit report and accounts of the Government Fisheries Cannery, Chaliyam, for the year ending 31st March 1927. [i]

(vii) G.O. No. 802, Development, dated 2nd May 1928, recording the audit report of the Industrial Engineering Workshop, Washermanpet, Madras, for the quarter ending 30th June 1927. [j]

(viii) G.O. No. 804, Development, dated 2nd May 1928, recording the audit report of the Government Industrial Institute, Madura, for the quarter ending 30th September 1927. [k]

(ix) G.O. No. 1048, Development, dated 21st June 1928, recording the audit report of the Nilambur Valley Forests for the year ending 31st March 1927. [l]

(x) G.O. No. 1107, Development, dated 6th July 1928, publishing the report of the committee appointed to standardize the jewellers' weights in the Presidency. [m]

(xi) G.O. No. 1135, Development, dated 11th July 1928, recording the audit report of the Government Industrial Institute (Ink Factory) for the half-year ending 30th September 1927. [n]

(xii) G.O. No. 1172, Development, dated 16th July 1928, recording the audit report of the Mount Stuart Working Circle for the year ending 31st March 1927. [o]

(xiii) G.O. No. 1197, Development, dated 24th July 1928, recording the audit report of Fisheries Cannery, Chaliyam, for the half-year ending 30th September 1927. [p]

(xiv) G.O. No. 1248, Development, dated 31st July 1928, recording the audit report of the Kerala Soap Institute for the quarter ending 31st December 1927. [q]

(xv) G.O. No. 1395 I., Public Works and Labour, dated 26th May 1928, regarding the authorization of expenditure of Rs. 43,125 on improvements to the head sluice at Tamarapak anicut and

[e] to [h] Printed separately.
[i] to [q] Placed on Editors' Table.

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to the upper supply channel leading from the anicut to the Sholavaram tank, Red Hills Water-supply and Irrigation system. [r]

(xvi) G.O. No. 1610, L. & M., Local Self-Government, dated 11th April 1928, superseding the Municipal Council of Ellore for a period of one year from noon on the 20th April 1928. [s]

(c)

(1) With reference to the answers given to questions Nos. 549 and 711 at the meetings of the Legislative Council held on 25th March and 20th October 1927 respectively, the SECRETARY laid on the table copies of [t] G.O. Mis. No. 1028, Revenue, dated 10th May 1928, regarding the inclusion of lands in the irrigable ayacut of the Kistna Eastern delta.

(2) With reference to the answer given to a supplementary question to question No. 1820 at the meeting of the Legislative Council held on 29th March 1928, the SECRETARY laid on the table copies of the report of [u] the Collector of Ganjam on the reservation of forests in Dharakota estate.

(3) With reference to the answer given to the first part of clause (*c*) of question No. 1770 at the meeting of the Legislative Council held on 17th March 1928, the SECRETARY laid on the table copies of the report of [v] the Assistant Industrial Engineer, Tanjore, regarding the activities of the Industrial Engineering branch, Tanjore district.

(4) With reference to the answer given to question No. 1610 at the meeting of the Legislative Council held on the 28th February 1928, the SECRETARY laid on the table copies of the extracts [w] from the statistical registers relating to certain villages in the Tanjore district.

(5) With reference to the answer to question No. 1805 given at the meeting of the Legislative Council held on 29th March 1928, the SECRETARY laid on the table copies of the report [x] on the working of Adi-Dravida co-operative societies in the Malabar district.

(d)

The SECRETARY laid on the table copies of—

(i) the preliminary report on the survey of cottage industries in the Madura, Ramnad, Trichinopoly and Tinnevelly districts [y];

(ii) the statement showing additions and reductions in non-voted appropriations sanctioned by the Government during 1927–28. [z]

IX

HOUSE COMMITTEE.

* The hon. Sir NORMAN MARJORIBANKS :—" Mr. President, Sir, I move that, " in order to appoint a House Committee, in pursuance of Standing Order No. 80, this Council do proceed to elect six members to be Members of the said committee according to the principle of proportional representation by means of the single transferable vote."

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r Vide Appendix VIII at page 119 infra.
s Vide Appendix IX at page 119 infra.
t Vide Appendix X at pages 119–122 infra.
u Vide Appendix XI at pages 122–123 infra.
v Vide Appendix XII at pages 124–126 infra.
w Printed separately.
x Vide Appendix XIII at pages 127–129 infra.
y Printed separately.
z Do.

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I beg to second it."

The motion was put and carried.

The hon. the PRESIDENT :—" I have to inform the House that, with reference to Regulation II of the Regulations for the holding of elections by means of the single transferable vote, I fix 3 p.m. to-day as the time by which nominations of candidates for election to the House Committee should be sent to the Secretary."

X

MOTION FOR THE ELECTION OF A COMMITTEE OF THE COUNCIL FOR CONFERRING WITH THE INDIAN STATUTORY COMMISSION.

* The hon. the PRESIDENT :—" With reference to item (I) on the agenda (election of a committee of the Council for conferring with the Indian Statutory Commission), I wish to state to hon. Members of the Council that, when I received intimation of this motion, I deferred giving my consent and asked the Secretary to include it in the agenda provisionally which has been done. I wish to know the reasons why my consent should be given or why it should be withheld. I want to come to my conclusion after hearing the grounds for and against my consent being given."

* Mr. S. SATYAMURTI :—" May I raise a preliminary point of order ? My submission to you is that Standing Order 6 contemplates the issue of an agenda containing the business of the day and that is not a mere formality because it has got two consequences, negative and positive. The negative consequence is that no item not included in the agenda for the day can be transacted without your special consent being given. The inclusion of an item in the agenda for the day gives it the statutory right of being discussed on the floor of this House without your consent having to be obtained for it. If, on the other hand, the business is not included in the agenda, it cannot be transacted in this Council without your consent. That is under Standing Order No. 6, clause (2), which says ' no business not included in the list of business for the day shall be transacted at any sitting without the leave of the President.' Therefore, Sir, it is not a mere formality. The Standing Order confers a statutory right, as it were, on the item of business and it gets the liberty of being discussed without your leave having to be sought for and given. That is distinct from and in addition to the consent which you have to give under Rule 24-A. . . ."

* The hon. the PRESIDENT :—" It is provisionally included in the agenda. The moment I give my consent, if I give my consent it becomes part of the agenda. Standing Order No. 6, clause (2), clearly says ' no business not included in the list of business for the day shall be transacted at any sitting without the leave of the President.' Therefore, the moment I give my consent, the motion will become part of the agenda."

* Mr. S. SATYAMURTI :—" May I ask for information ? I want to know whether your ruling is that that item is not now an item of business before the House, and that, when you give—if you give—your consent, you will also give your leave as exercising your discretion under clause (2) of the Standing Order ; then only it will become a business before the House : it is not on the agenda now."

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* The hon. the PRESIDENT :—" It is in the agenda contingent upon my consent being given to it."

* Mr. S. SATYAMURTI :—" Where is the provision for any provisional agenda ?"

* The hon. the PRESIDENT :—" From Standing Order No. 79 I derive power to regulate the conduct of business in the Council in all matters not provided for in the Act, the Rules or the Standing Orders."

* Mr. S. SATYAMURTI :—" Standing Order No. 79 simply says this : 'The President shall have power to regulate the conduct of business in the Council in all matters not provided for in the Act, the Rules or the Standing Orders." The agenda is provided for. This is not a case in which there is no provision in the Rules or Standing Orders for the issue of an agenda. If it were so, certainly you have residuary powers. I want your ruling whether in a matter which is clearly provided for in the Rules and Standing Orders that the agenda shall be issued, you still hold and rule that in spite of it you have reserve or new powers."

* The hon. the PRESIDENT :—" I think I have got the power."

Nobody rose to speak and the hon. the President waited for a minute and then said if nobody wants to avail himself of the opportunity . . .

Mr. SAMI VENKATACHALAM CHETTI :—" I think that the Government will give the reasons why they request you to give your consent, especially in view of your statement that you will hear the arguments of both the parties, of those who say that consent should be given and of those who are likely to oppose your consent being given. I expect the hon. the Leader of the House to come forward with his arguments. If he declines to do so, I shall say whether I avail myself of the opportunity you have given me."

* The hon. Sir NORMAN MARJORIBANKS :—" I do not decline to do so. I am in your hands as to which Member you wish to ask to speak first."

Mr. SAMI VENKATACHALAM CHETTI :—" I am completely in your hands as to which side you hear first."

The hon. Sir Norman MARJORIBANKS :—" I am ready to speak first. (Laughter.) I submit that it is quite clear that under Rule 24-A it is open to you, Sir, to give your consent to this motion being moved. On general grounds if the question be raised—granting it is admissible—why the President should be agreeable to its admission, I would submit that if the President is satisfied that a large number of Members of this House wish to vote for a motion of this character, it is a suitable subject for him to assent to. The House should be given every room and every discretion that is vested in the President so as to give it the greatest amount of liberty in a matter like this rather than to deprive it of the liberty of expressing its wishes. On general grounds I would ask you to assent to the motion."

Mr. SAMI VENKATACHALAM CHETTI :—" Mr. President, Sir, I thank you for your invitation to us to assist you in coming to a decision whether you should give your consent to this motion or not. While doing so, you were good enough to say that this motion has been included in the agenda provisionally and that your consent and leave to include it in the agenda will be contingent upon hearing what both sides have got to say on this matter. I therefore take it that I can reserve the right of raising the point of order after you give your consent."

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12-45 p.m. * The hon. the PRESIDENT :—" After the motion is actually made in the House."

Mr. SAMI VENKATACHALAM CHETTI :—" Yes, Sir. Proceeding on that assumption, I have no hesitation in placing before you my case as to why your consent should not be given to this proposition. I also fully believe that when you invited us to advance our arguments, you were sincerely desirous of coming to a decision after hearing our arguments, and not merely to treat this as a process of formality before the House. I am therefore confident that the decision which you will give will be in my favour. Sir, I base my objections on two broad grounds. The first objection relates to the Standing Orders, rules and other procedural conventions observed in this House. The second ground on which I base my objection is one of public interests. Mr. President, I am not a lawyer accustomed to give various interpretations which various capable lawyers can put these rules to ; but I can only say from a layman's point of view what I feel in this matter leaving the arguments, so far as the legal side of it is concerned, to my friends sitting with me. I am sure that if I do not succeed on the first ground, I am bound to succeed on the second ground which is more or less common to us both. I do not thereby suggest that the objections I am raising on the basis of rules and regulations are less important or that they are invalid, but I feel that in presenting the case purely on legal basis, I will be very much wanting, and my presentation of it may not be quite as appealing as that of any other capable lawyer."

* The hon. the PRESIDENT :—" Let there be division of labour between the Leader and the Deputy Leader of the Opposition."

Mr. SAMI VENKATACHALAM CHETTI :—" Not only the Deputy Leader, Sir ; there are several others who are going to raise objections on this matter.

" The immediately relevant issues are, in my humble opinion, whether the proposition set down on the notice paper is a motion or a resolution ; if it be a motion, has the President authority under the rules, to allow a matter of general public interest not specifically stated in the list of matters comprising motions to be debated and discussed upon as a motion ? Thirdly, granting that he has the power, can a motion raise substantially the same question as was disposed of by a resolution within a year ? If it be a resolution, has the President power to give consent to place such resolution on the agenda paper, though such resolution is sought to be moved not in accordance with the rules governing all resolutions ; and is this power absolute ? Does this power include also the power to remove the ban on renewal of resolutions within a period of one year. Sir, I answer the first issue that the proposition is a resolution and not a motion. The Madras Legislative Council rules are arranged in a particular order, i.e., a set of rules dealing with a particular subject is put down in consecutive order. For instance, Mr. President, rules 3 to 5 deal with the President, Deputy President, Chairman, Secretary, etc. ; rule 6 deals with the allotment of days ; rules 7 to 9 deal with questions ; 11 and 12 and 19 and 21 deal with motions. After practically exhausting the category of motions, the subject of resolution is taken up It is in this stage of the rules that we find rule 24-A, under which this proposition is sought to be moved. Primâ facie, therefore, when we are dealing under the

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rules, we are dealing only with a resolution and not a motion. Here it is perhaps necessary to bring to your notice that the word 'motion' is used in these rules in a double sense, viz., (i) in the sense of proposition which the House may be asked to discuss, decide and dispose of and (ii) in the sense of the act of moving the House for any definite purpose, i.e., in the sense of the noun form of the verb 'move'. Then, the act of moving the House can only be done by a motion on a matter of general public importance. Motions are therefore divided as motions and resolutions. Motions comprise an adjournment motion, a no-confidence motion, select committee motion, an address to the Governor, motion for the consideration of Bills and budget motions. All those that are not included in this category, so long as they are matters of general public interest, have to be put down under the category of 'resolutions.' The subject-matter of this proposition is one comprised in the list of subjects dealt with by 'resolutions.' Under Standing Order No. 29 (1), a matter requiring the decision of the Council is brought forward by means of a question put by the President on a motion proposed by a Member. Any motion for the purpose of discussing a matter of general public interest is a resolution according to that definition. Rule 24-A (1), in my opinion, lays down that the discussion of a matter of general public interest shall take place only on a resolution save in so far as is otherwise provided by the rules, the saving clause being intended to permit discussion on matters enumerated under the motions, viz., adjournment, no-confidence, select committee, etc. The consent of the President can be invoked only in cases when the resolution intended to be moved is at variance with certain rules governing the resolutions, not on 'any' motion as against resolutions. Your consent can only be requisitioned when one wants to move a resolution contrary to the rules laid down for the moving of resolutions."

The hon. the PRESIDENT :—" What are those rules ?"

Mr. SAMI VENKATACHALAM CHETTI :—" Your consent cannot be invoked, nor can it be exercised, to discuss any particular matter of general public interest otherwise than in a resolution. If the plea is that it is a motion and not a resolution, I beg to submit that your consent cannot be sought and that it cannot be granted. You cannot transfer from the category of motions any subject matter to the category of resolutions. Sir, you asked me what are the rules which you can condone, in giving your consent to the moving of resolutions contrary to the rules . . . ."

The hon. the PRESIDENT :—" What are the rules that govern only the resolutions ?"

Mr. SAMI VENKATACHALAM CHETTI :—" The rules are of three classes : one class is that relating to the relationship with foreign governments, relationship with Indian Native States and any matter which is pending decision of a court. That is one set of rules. The second set of rules is that embodied in the Standing Orders that a resolution should be clearly and precisely expressed and should raise a definite issue and that it should not contain arguments, inferences, ironical expressions or defamatory statements, and the third set relates to giving notice, balloting, and other things. In respect of the first set of rules, it is the exclusive privilege of His Excellency the Governor to decide whether a resolution comes under any of the restrictions placed under those rules. With reference to the second set, it is your

privilege, Mr. President, to decide whether a particular resolution offends against any of those rules. With regard to the third set also, it is your privilege, but that privilege is shared also by the Members of the Legislative Council, to see that the resolutions do not give any cause for offence against those rules. Therefore, Sir, what you can possibly condone in this matter is that you can allow a resolution to be put down on paper with a shorter notice or without ballot. Barring these two things, I am afraid, Mr. President, you have no power to override the other Standing Orders and the other rules. If it is argued that you have got the power of overriding the other rules, then the logical conclusion will be that you have got the power to allow resolutions which offend against even the first and second set of rules, which may contain defamatory statements, ironical expressions or arguments of inferences. Is it suggested that you have got the power? I am afraid you will yourself disown such power, if anybody pleads that you have got such a power. Therefore, Sir, it can only be a motion. If it is a motion, the question now is whether a motion can be resorted to merely to get over a difficulty laid down in the Standing Orders in respect of resolutions. What is the object of the Mover of this motion? The object is that under Standing Order No. 65, he cannot bring forward a resolution because that will be raising substantially the same question as was raised before within a year and the hon. the President will not allow it and the rules do not allow it; and therefore he says 'I shall have recourse to the subterfuge of asking your consent to allow me to make a motion.' If that is so, every resolution that is moved to-day can be disturbed or can be sought to be disturbed by making a motion to-morrow and that motion, in its turn, stands the chance of again being disturbed. . . . ."

The hon. the PRESIDENT :—" Will not Standing Order No. 30 be a bar to it?"

Mr. SAMI VENKATACHALAM CHETTI :—" No ; if a resolution is interfered with by a motion, then Standing Order No. 30 does not come in, because a 'resolution' is interfered with only by a 'motion'. A 'motion' cannot be disturbed by a 'motion' within the same session, according to the strict interpretation of Standing Order No. 30."

*The hon. the PRESIDENT :—"I think you should concede that very resolution is also a motion."

Mr. SAMI VENKATACHALAM CHETTI :—" Yes, also a motion in one sense, so far as Standing Order No. 30 is concerned ; and every motion also becomes a resolution in course of time ; because when it comes to be decided by the Council, it becomes a resolution. It remains a motion only for the mere reason of exempting it from the rigorous rules laid down for resolutions. There are certain rigorous rules laid down for resolutions and there are certain laxities shown in respect of other things called motions. The whole genus may be called motions ; but in the genus, there are two subdivisions, viz., motions and resolutions. I may perhaps make my statement clearer by referring to what we call 'Paramathma' who is sometimes called 'Vishnu.' There is one Avatar of the 'Paramathma' called 'Vishnu', but that should not be the reason for identifying Vishnu with 'Paramathma'. Similarly, I say within the genus of motions, there are two subdivisions, 'motions' and 'resolutions'. With regard to resolutions, there are strict rules and

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with regard to motions, there are certain other rules laid down. There is a different chapter dealing with motions which does not comprise any subject that may come up under 'resolutions' and there are also different rules governing 'resolutions.' My humble submission is that in exercising your discretion, you can only exercise it to the extent of condoning the notice, i.e., the time-limit. That is a mere repetition of Standing Order No. 53 in the rules; because even under Standing Order No. 53, it is provided that the President can, with shorter notice, allow a resolution to be discussed.

"Now Mr. President, assuming for a moment that you are deciding these points against me, there is this question of your discretion. Your discretion has got to be exercised. Well, what are the grounds upon which the hon. the Leader of the House has asked you to exercise your discretion in his favour? You remember, Mr. President, that the issue in the resolution which is sought now to be moved was decided by an overwhelming majority in this House only a few months ago, as many as sixty voting against twenty-eight. After various amendments were considered, an unanimity of opinion was reached amongst all parties, and we came to a particular decision. The Government consistently opposed it. Therefore, it is not now for the Government to say that we have changed our opinion and that opportunity should be given to us to revise our opinion. If such of those of hon. Gentlemen, who have voted for that resolution then, sought your consent to be given now, then there may be some justification for feeling that there might have come some change over this House. There is absolutely nothing like it. The Government consistently opposed the previous resolution when under discussion. The same Government is now coming forward to impose its opinion upon us. That is certainly an abuse of the privilege of asking the President to give his consent in one's favour. That will be trying to take advantage of certain opportunities to disturb the considered decision of this Council. Nothing has happened from January to now to warrant any change being made. I do not think even those who are now in favour of asking your consent being given will satisfy you that the status of the Commission and other Committees has so considerably changed that it will be a proper exercise of your discretion, if you will allow the thing to be reconsidered. Moreover, this question of allowing resolutions being disturbed by motions, and motions to be disturbed by resolutions, simply because there is this fact in the rules and standing orders, does not seem to help the House in forming sound judgments and coming to well-considered conclusions. Therefore, I beg, Sir, that if this is going to be a matter purely dependent on the exercise of your discretion, you will so use it as to uphold the dignity of this House for sobriety of judgment and for continuity of those well-considered views on previous occasions. You cannot, however, completely divorce from your mind, in exercising your discretion, what all has taken place in the country, whether, in the present state of the country, it will be in the interest of this country to allow that decision to be disturbed. That is the large question which you have got to decide." 1 p.m.

The hon. the PRESIDENT :—"You mean to say that the President should take his decisions according to the conditions in the country?"

Mr. SAMI VENKATACHALAM CHETTI :—"I am afraid, Sir, that in exercising your discretion it is impossible to divorce from your mind those considerations. How else are you going to be guided? If it is going to

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be merely following rules and procedure, that is one aspect of the question. Then there is no question of your consent being given or your discretion being exercised. But if it is a matter of your personal discretion, I cannot see how what is going on in the country cannot but have some effect upon you. After all, Mr. President, I must say that the only redeeming feature of the Government of India Act is the President being an elected President of the Council. So far as this part of the House is concerned, it is only you that we can look up to for upholding the rights of this country. On those powers, if you are so fettered as according to the rules you must give the decision in favour of the Government, that is a different matter, you can be excused. I am afraid I should say so, Mr. President, to you (laughter). But so long as your personal discretion is sought, certainly it ought to depend on public grounds."

*Mr. K. R. Venkatarama Ayyar:—"Mr. President, I understand your invitation to mean that we are not now to address the House on the merits of the motion, that we are invited now to offer our remarks merely on the question whether or no the President should give his consent to this resolution being moved. I am not going into the question of this item of business being or not being competent to be included in the list of business. On that point, I understood objection was raised that the procedure applicable to the proceedings of this House does not contemplate anything like a provisional inclusion of a particular item of business in the list of business for the day. But that objection, Sir, I understand you overruled by holding that under Standing Order No. 79 it is competent to you to invite discussions on a matter which, though not formally included with your leave in the list of business for the day, may later after the grant of leave by you be included in such list of business. That being so, I do not deem myself free to cover that ground over again. If it were competent to me to go into that matter, I would have to add my voice of objection to the objection already raised on that ground.

"Now, confining myself to the other question upon which hon. Members of this House have been invited to state their reasons why your consent should be granted or withheld, may I be permitted, Sir, to point out, in the first instance, that that invitation gives us leave also to make the submission that even if you willed this to be a suitable case for you to give your consent, it is beyond your competence to give your consent, and I wish to go over that wide ground and to submit for your consideration the position that it is beyond the competence of this House to discuss this matter on this occasion. I think the matter on which we have been invited to address you is really concluded by a few provisions of the Legislative Council Rules and the Standing Orders. Rule 2 of the Council rules says, that a '"resolution" means a motion for the purpose of discussing a matter of general public interest.' That is one of the rules on which it would be desirable to focus attention in this connexion. Rule 24-A, clauses (1) and (2), really clinch the matter. Rule 24-A (1) says, 'Save in so far as is otherwise provided by these rules . . . no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates.' Clause (2) of that same rule goes further and says, 'It shall not be permissible to the President or to the Member of the

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Government concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved. . .' The next relevant provision which is decisive is Standing Order No. 65, clause (1). That provision says, 'When a resolution has been moved in the Council, no resolution or amendment raising substantially the same question shall be moved again within one year.' These are the more important provisions governing the matter which is now before the House. I would say that the motion which the hon the Revenue Member desires to make is certainly a motion which invites this House to discuss a matter of a general public interest. Therefore, the provisions of rule 24-A are directly attracted by this motion, that is, that the discussion cannot be initiated except on a resolution moved in accordance with the rules governing the moving of resolutions.

"The next point is that clause (2) of that same rule is decisive on the point how far it is competent to you, Sir, or to the Member of the Government concerned. . . ."

*The hon. the PRESIDENT :—"Regarding rule 24-A (1), does it not comprise three classes of cases: (1) matters of public concern provided for by the Act and rules, (2) resolutions governed by the rules relating to resolutions, and (3) matters of public interest which are not comprised by the first and second classes, but exceptional cases that can be moved with the consent of the President and the consent of the Member of Government concerned?"

*Mr. K. R. VENKATARAMA AYYAR :—"I thank you, Sir, for the clarity with which the matter has been put by you, and I shall deal with each of these three categories. In so far as the opening words of clause (1) of rule 24-A are concerned, 'Save in so far as is otherwise provided for by these rules,' there is a distinct hint there that there is a category of cases involving discussion on a matter of general public interest not altogether falling within the ambit of a resolution moved in accordance with the rules governing the moving of resolutions. But with reference to the third category that you suggested, which cannot be moved except with the consent of the President and the Member of Government to whose department the motion relates, the view that I wish to present for your consideration is that that is not a distinct or a third category of cases giving jurisdiction to this House or to you to confer jurisdiction upon this House for discussion, but it is limited only to one or other of two categories of cases, namely those motions which are not resolutions and those which are resolutions on matters of general public interest. If the provisions of rules regarding the moving of resolutions such as the rule, for instance, which prescribes a certain period of notice, if some such rule is not complied with by the intending mover of the resolution, in a matter like that, where for your convenience or the convenience of the Government a rule has been enacted, the Member of Government who is inconvenienced by short notice may waive the enforcement of the rule by giving his consent notwithstanding the short notice, and you, Sir, by your consent to such a motion may lift that case from the embarrassment of the short notice or other contravention of the rules and thereby put it in order. But you two combined together, by force of those words which evidently you are emphasizing, Sir, you two cannot create a new or third category of cases conferring jurisdiction upon this House. That is the view which I wish to

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present so far as the third category is concerned. Now, when we closely examine the provisions of the Legislative Council Rules and the standing orders, it is clear what classes of motions are contemplated under these rules or standing orders which may escape the requirements applicable to resolutions.
1-15 p.m. While all resolutions are motions according to the provisions and the tenor of the rules and standing orders, there are certain motions definitely provided for in the Legislative Council Rules and standing orders which escape the restrictions applicable to resolutions and which have to conform to certain regulations specially provided for, which may not be applicable to resolutions. There is no jurisdiction either in you or the Government Member concerned; in regard to them they are not illustrative instances, but they are exhaustive enumerations of the only cases of motions which do not amount to resolutions. These cases are the case of a motion for adjournment of the business of the House to discuss a definite matter of urgent public importance covered by rules 11 and 12 of the Legislative Council Rules; then there is the motion of want of confidence in a Minister or disapproval of his policy; that is definitely provided for. Then there is another motion, adjournment or postponement of a particular item of business (Standing Order No. 34) or passing on to the next item of business in the list of business for the day."

The hon. the PRESIDENT :—"Do you call passing over an item of business of the House a matter of public interest?"

Mr. K. R. VENKATARAMA AYYAR :—"I shall not be affected by that instance being omitted. I am only enumerating all the instances in the rules and standing orders."

* The hon. the PRESIDENT :—"The expression is 'Save in so far as is otherwise provided by these rules'. These rules do not include standing orders. Nor do the words that follow 'Or in any case in which a communication is to be made to the Governor under any of the provisions of the Government of India Act, etc.' refer to standing orders. Therefore the only saving is regarding these rules or what is provided by these rules and by the provisions of the Government of India Act. Rule 24-A does not in any way refer to standing orders."

* Mr. K. R. VENKATARAMA AYYAR :—"I ignore the standing orders. There is no standing order in this connexion. What I have pointed out are only instances and cases coming under the category indicated by the words 'Save in so far as is otherwise provided by these rules.' I venture to submit that the motion invites discussion of a matter of general public interest. Therefore we are strictly bound by the provision of rule 24-A (1), namely, that this discussion can be invited only by the moving of a resolution. I come back to the point. These words 'Except by the consent of the President and of the Member of Government' do not indirectly create a third or distinct category of cases resting upon the consent of the two functionaries named. Whether you regard it as a distinct category or no, the matter is concluded by the provision in rule 24-A (2) which renders it incumbent on the President or Member concerned . . ."

* The hon. the PRESIDENT :—"Suppose the words 'Except with the consent of the President and the Member of Government to whose department it relates' are omitted, then how many categories will there be under clause 24-A (1)?"

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Mr. K. R. Venkatarama Ayyar :—"Only two categories."

* The hon. the President :—"Does the existence of these words create a third category ?"

* Mr. K. R. Venkatarama Ayyar :—"It does not; deviation from the rule may be permitted in regard to moving of resolution but you cannot create a new class of motions. But whether you regard it as a distinct category or no, in any case what clinches the matter and decides it without possibility of contradiction is that this giving of consent is again not an unfettered consent, for it is beyond the competence of the President or Member of the Government to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved. Standing Order No. 65 comes in the way of a resolution on the subject being moved as a resolution. There is the impediment, when a resolution has been moved in the Council, no resolution raising substantially the same question shall be moved again within one year. So long as 65 (1) is unabrogated, there is the primary interdiction of the resolution as resolution being moved on the subject which was disposed of and decided by this House on 25th January last. I am assuming throughout the argument that there is substantially the same question. I am assuming that the question raised by the intended motion was raised in the motion decided by the House on 25th January last. If this were to be moved as a resolution, Standing Order No. 65 (1) would be a bar to it. That being so, rule 24 (2) prevents you from giving your consent to this motion as a non-resolution motion."

* The hon. the President :—"Rule 23 (1) says: 'No resolutions shall be moved in regard to any of the following subjects'. The subjects are enumerated. Is not the same thing referred to in rule 24-A (2) ? The latter portion says: 'The decision of the Governor on the point whether any motion is or is not within the restrictions imposed by sub-rule (i) of rule 23 shall be final'. The same subjects are referred to and the same powers are mentioned."

* Mr. K.R. Venkatarama Ayyar :—"I have understood it, Sir. The word 'subjects' appearing in clause 24-A (2) is not anything like a technical word. It is a word to which you must attach the ordinary dictionary meaning, and you must not by the occurrence of that word in more than one place in a set of rules give to the word an interpretation which it does not bear."

* The hon. the President :—"In this connexion I request you to examine section 72 D (5). It says: 'and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating asking of questions on, and the discussion of, any subject specified in the rules'. Sub-rule (1) of rule 23 mentions the subjects discussion of which is prohibited by the rules and the same things are referred to in rule 24 (2)."

Mr. K. R. Venkatarama Ayyar :—"My point is that while it may be open to you in a suitable case to understand by the word 'subjects' those categories of subjects which are or are not permitted to be raised in the local

Council, you cannot get away from the applicability of Standing Order No. 65 which also introduces a category of subjects which are beyond the purview of this House. Standing orders are provided for by the sections of the Act. Section 72 D (5) refers to standing orders providing for the conduct of business and the procedure to be followed in Council."

*The hon. the PRESIDENT :—" Standing orders do not provide for the prohibition of subjects, whereas the rules provide for it. The scope of the standing orders is only confined to the procedure. The rule against repetition is one relating to procedure rather than one relating to prohibition of subjects."

Mr. K. R. VENKATARAMA AYYAR :—" There is such a thing as prohibition of subjects from the purview of the Council for a temporary period and there is prohibition for all time. Rule 24 A (2) is equally applicable to cases of prohibition for a time and prohibition for all time. That is the view I wish to submit. As for Standing Order No. 79, I do not know if anybody is going to indent on that standing order. But if anybody should think that it has any bearing I should submit it cannot have any bearing. You may invent a procedure in a novel set of circumstances when such a set of circumstances arise for the purpose of regulating and effectuating the business of this House when it has jurisdiction, but you cannot confer jurisdiction on this House or yourself or a Government Member in so far as the set of circumstances arising before you is one which has already been provided for either by the Act or the rules or standing orders."

* Mr. P. SIVA RAO :—" Mr. President, on the question of order, I wish to make a few remarks. The questions that arise for your consideration are, whether it is beyond the competency of the President to give consent to the making of this motion. The second question that arises incidentally for your consideration is whether this motion is barred by what we lawyers call ' res judicata '."

At this stage the House rose for lunch.

After Lunch 2-30 p.m.

* Mr. P. SIVA RAO (continued) :—" Sir, when we adjourned for lunch I was submitting a few points for your consideration in dealing with this question. The first question of importance is whether it is within the competency of yourself to allow or disallow this motion. As regards that, I may submit that the Standing Orders and the Legislative Council Rules have made a clear distinction between motions and resolutions. The hon. Member from Madura has quoted the definition of a resolution as meaning a motion on a matter of general public interest. That is quite true. All resolutions are motions, but, in my opinion, all motions are not resolutions. Motions have been defined in Standing Order No. 29. It says : ' A matter requiring the decision of the Council is brought forward by means of a question put by the President on a motion proposed by a member.' And then Standing Order No. 30 says : 'A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session.' We have thus got a different rule altogether for our guidance in the case of ' motions '. It is only a prohibition against the same questions being raised in the same session in the case of motions. I do not

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think this objection can be raised in this case because we are meeting in another session.

"There are some specific motions provided for in the standing orders and the Council Rules and these have been enumerated by the hon. Member from Madura. These are motions of censure, motions of no-confidence, motions for appropriation, motions for reduction of grant and so forth. There is a special procedure and time prescribed for such motions. This is a motion which does not come under the head of 'resolutions,' which according to the rules, shall be in the form of a specific recommendation addressed to the Government. A resolution is always worded. 'This Council recommends to the Government . . .' This is not a resolution because it moves the Council to proceed to elect some seven members to confer with the Statutory Commission.

"Having said so, I proceed now to deal with the provisions relied upon by the hon. Member from Madura according to whom rule 24-A prohibits the President from giving his consent to a matter of this kind. Rule 24-A (2) reads thus: 'It shall not be permissible to the President or to the Member of the Government concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved . . .' Stress has to be laid, as you very rightly pointed out, on the word 'subjects' in this sub-clause. If any *subjects* are prohibited from discussion by way of a resolution, their discussion by way of a motion cannot be permitted by the President. Those subjects have been enumerated in sub-clauses (i), (ii) and (iii) of rule 23 (1). All that sub-clause (2) of 24-A lays down is that the President has no power to give his consent and the Member of Government has no power to give his consent to the discussion of any of the three subjects specified above. It is not suggested that we are at present discussing any of these prohibited subjects mentioned in rule 23.

"I shall now draw your attention to the clause relied upon by my hon. Friend from Madura. The first clause says:

'Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor under any provision of the Government of India Act or of these rules no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates.'

"It only means that except in the case of specific motions such as adjournment motions or motions suspending the business of the day, unless the consent of the President and of the Member of Government in charge is obtained, no motion can be moved except in accordance with the rules regulating the resolutions. There are certain rules regulating the moving of resolutions such as the 15 days' notice, etc. This rule lays down that unless the consent of the President and of the Member of Government in charge is obtained, no motion other than those specified in the rules, can be moved with shorter notice than 15 days. Otherwise Standing Order No. 30 would be unmeaning and superfluous. If all motions and resolutions come under the head of resolutions it would be thoroughly unnecessary to enact any standing order like Standing Order No. 30. To bear out my view

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in this particular matter I would request you to compare the wording of Standing Order No. 53 and Standing Order No. 54.

Standing Order No. 53 reads. 'The member who moves a resolution shall give fifteen days' notice and shall together with the notice submit a copy of the resolution which he wishes to move:

Provided that the President, with the consent of the Member of the Government incharge of the department concerned, may allow a resolution to be entered on the list of business with shorter notice than fifteen days.'

"I only mention that to show that with the consent of the Member of Government and of the President, even a resolution can be moved at shorter notice than fifteen days. Even so in the case of moving motions under 24-A.

"The next question that has to be considered is what are the considerations that should weigh with the President in withholding his consent. The hon. the Leader of the Opposition suggested that the country's interest should be considered. With due deference to him, I think the President ought to be above all 'political' considerations. The powers of the President in the matter of disallowing questions, resolutions and motions are very much restricted. There are only certain forms prescribed. For instance, if a resolution is not definite enough, if a question raises a scandalous matter, etc., the President is given power to disallow. Political considerations ought not to enter into the President's mind. But it is not for me to suggest (Mr. S. Satyamurti: Thank you) how the discretion of the President should be exercised in a matter like this. I only indicate that these are the several considerations. The only consideration of importance in a matter like this is whether the business of the House will suffer if the fifteen days' notice is not insisted upon and whether the Member of Government could afford to have an earlier discussion. These are the only considerations of business that ought to guide either the President or the Member in charge in giving or withholding consent.

"Another most important question is whether Standing Order No. 65 applies to this case at all. At this stage I would remind you of the motion that was passed at the instance of the hon. the Leader of the Opposition. The resolution that was ultimately passed was the resolution as amended by Mr. T. C. Srinivasa Ayyangar. If I remember right, it only meant that we should have nothing to do with the commission as it was then constituted. From that to argue that it is binding for all time to come however much the procedure of the Commission might be changed in the meantime is not convincing. Sir, nobody believes that our chief cause of complaint was only the personnel of the Commission. Nobody dreamt that the personnel would be changed. The resolution passed in the Legislative Council was quite similar to the one passed at the instance of Lala Lajpat Rai in the Legislative Assembly. Now, the resolution that we have passed is not of a binding nature. It is elastic enough. It is perfectly open to this Council to take note of the altered circumstances and the changes that have been effected in the procedure of the Commission since January 1928. I only submit that the question now being debated was not the question debated by the House in January. The question then was whether they should co-operate in January 1928 or not. The question now before us is whether looking into the incidents that have happened in the last six months and taking note of what the other Councils have done, we should continue to non-co-operate. That is the consideration before this House.

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" In no sense will it mean that we are revising our decision. The previous resolution arrived at by this Council only meant that for the present this Council was not prepared to support the Simon Commission as then constituted (Hear, hear). If you do not agree with me that is another matter. That resolution was binding only for the moment. Since coming to that decision several changes have happened. We want every latitude. It is competent for the President to allow or disallow this motion. And lastly the resolution that we have passed is very elastic. It is open to us to revise it. Six months have elapsed and hon. Members are at liberty to revise their ideas. With these few words I think the motion is quite in order." 2-45 p.m.

Mr. J. A. SALDANHA :—" Sir, if it is a matter of mere discretion apart from competence of the hon. the President to allow or disallow this motion, I would only appeal not to the political conditions in the country but to another factor and that is the choice that lies between consulting the country or mere rejecting to admit this resolution. Between these two the first alternative would be to advise the hon. the Leader of the House to request His Excellency the Governor to make a referendum to the country. I think this is the only course open and we of our party are quite prepared to meet the challenge."

* The hon. the PRESIDENT :—" The hon. Member is requested to confine his remarks to the motion under consideration."

Mr. J. A. SALDANHA :—" The only definition, the real definition, is given at the commencement, i.e., rule 2 of the Legislative Council Rules. It says that a 'resolution means a motion for the purpose of discussing a general matter of public interest.' Now there is a decision of the Council on the subject. Sir, I appeal to the wording of the motion. It is practically a resolution because it says that we must appoint a committee, etc., etc., and what is it but a resolution? There is of course rule 23 which says that a resolution must be worded in such and such terms. But that is not the only class of resolutions. Rule 24 (*a*) says that apart from the resolutions referred to in 23 the President and the Member of Government concerned can allow a motion. And what is this but a resolution? Taking the whole context it cannot be but a resolution. I submit that such a resolution is covered by Standing Order No. 65 which does not allow a motion of this kind to be repeated within a year. As to the arguments adduced I ask what is the change that has taken place since we passed the former resolution? At that time we said we had nothing to do with the Simon Commission, as it was then constituted. Now has it been differently constituted? On what authority has the Simon Commission come and is it going to sit with us? What power has the Secretary of State or the Government of India to ask us to sit with that Commission? If my hon. Friend Mr. Siva Rao wants to follow that mendicant policy, let him do it."

* The hon. the PRESIDENT :—" You are going into the merits of the motion."

Mr. J. A. SALDANHA :—" I am not going into the merits, Sir. But as my hon. Friend Mr. Siva Rao made certain remarks, I had to refer to him. Then there is the question of the competence of this Council to take up this motion. I shall dwell upon that point later on. (Laughter.) Personally

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I would support the Leader of our Party that this motion should be disallowed and that your discretion should be exercised in our favour or that the leader of the House should be requested to request His Excellency the Governor to make a referendum or dissolve the Council which challenge we are prepared to take up."

* Mr. C. RAMASOMAYAJULU :—" Sir, clause (2) of rule 24 says: 'It shall not be permissible to the President or to the Member of the Government concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved and the decision of the Governor on the point whether any motion is or is not within the restrictions imposed by sub-rule (1) of rule 23 shall be final.' I respectfully invite your attention to the latter part of this clause. The latter part of this clause says 'that the decision of the Governor on the point whether any motion is or is not within the restrictions imposed by sub-rule (1) of rule 23 shall be final.' It does not say that 'the decision of the Governor on this matter is final.' "

* The hon. the PRESIDENT :—" I am afraid the hon. Member is going out of the way. The issue before of the Council is whether the President should give his consent. Therefore I would request him to confine himself to this point."

Mr. C. RAMASOMAYAJULU :—" Whether according to the rules the President is enabled to give his consent or not is the question. My point is that rule 24 (2) is conclusive, because if it had been the intention of the rules that the President must be enabled to give his consent the latter portion of the clause must be worded thus: 'the decision of the Governor on this matter is final.' The first portion deals with resolutions not merely covered by rule 23 (1) but also subjects other than those covered by rule 23 (1), that is to say subjects on which resolution has not been allowed and subjects on which resolution of the Council has already been arrived at. That it is so is conclusive. I say this in reference to the question put by you during my hon. Friend Mr. Venkatarama Ayyar's speech. If it had been the case as you Mr. President seem to view that the expression 'subjects' only refer to subjects contemplated by rule 23 it needs for rule 23 merely to say that the decision of the Governor is final. If it had been like that it is possible to argue that the word 'subjects' in sub-rule (2) refers only to 'subjects' mentioned in sub-rule 23 (1). If for once the expression 'subjects' mentioned in sub-rule (2) refers also to subjects other than those on which the Governor has got to decide finally, my point is that the expression 'subjects' refers to other subjects upon which a resolution cannot be possibly moved now and one class of such subjects is a subject on which a resolution has already been arrived at within one year. The wording of the latter portion of rule 24 (2) is evidence conclusive to show that this expression means and includes 'subjects' on which consent cannot be given by the hon. the President or a Member of the Government other than those covered by rule 23. If it is intended only to put a ban upon subjects covered by rule 23 alone it would have been very easy to have said that the decision of the Governor on this matter is final. What I submit is that the latter part of the clause is more restrictive than the former. I would request the hon. the President to pay

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particular attention to the restrictive wording of the latter portion of clause (2). The first portion says that no discussion can take place on a subject on which a resolution cannot be moved and no permission can be given by the President for the moving of a motion on a subject on which a resolution cannot be moved in the Council.

"On other points many have spoken, so I do not want to refer to them again and waste the time of the Council. But if the point I have mentioned is given proper attention to I believe, it will enable you to come to a decision."

* Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" Mr. President, Sir, if I rise to speak now, it is particularly to emphasise one point which, I think, deserves further emphasis. On the legal points that have been raised, so far as they are worthy of being answered or require answering, I am sure that they are safe in the hands of the legal advisors of the Government. But I must say that the discussion, in so far as it has proceeded on the assumption or the view that the motion for which you are now asked to give leave, raises the same point as that which was discussed and decided upon in January last, I say, Sir, that in so far as the discussion has proceeded on that view, it has gone on quite wrong lines. The resolution that was passed in January last was to the effect that this Council was not prepared to co-operate with the Simon Commission 'as at present constituted.' Now the whole question is what these words, 'as at present constituted' mean. A reference to the proceedings of the meeting at which this point was discussed and the resolution passed would make it quite plain that it was not in the mind of any of the political parties or of any of the individual members who took part in the debate, that 'constitution' there meant only the personnel of the Commission (A voice: Question). At any rate, Sir, there was a mental reservation behind that resolution, as was pointed out even then and that mental reservation in the case of very many members who voted for the resolution did not include the question of the personnel of the Commission. I am speaking subject to correction, but still I maintain, that in most of the speeches that were made on that occasion there was no reference either to the non-inclusion of Indians in the Commission or to the individual merits of the gentlemen who constituted the Commission. 3 p.m.

"Apart from that, 'constitution' does not mean merely the personnel of the Commission. It includes a variety of matters other than the personnel; it includes for example, the body of rules of law or procedure under which the commission is functioning the rules which would govern their relations to the public of the country and to the committees proposed to be formed. All these, I submit, would form part of the constitution of the Commission. I shall put a hypothetical case and then leave it to my hon. friends who sit on my right to answer that before they decide whether this particular motion is in order or not. With my limited knowledge of their present demand I do think, Sir, that what they want is a round table conference with the members of the Simon Commission. Then, Sir, if instead of saying that he is going to do away with this evidence in camera, Sir John Simon had said that he would yield even to a greater extent and that he was prepared to have a round table conference with the members of the committee that we are called upon to elect, if he had said that, Sir, would the hon. Members of the

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Swarajist Party come forward and say that the Commission was still constituted as it had been in January last and they would therefore still not co-operate ? "

Mr. S. SATYAMURTI :—" Yes. "

* Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" If you are prepared to say so, then your case will be entirely different from what it is now. I do say, Sir, that 'constitution' includes many other things beyond the personnel of the Commission. Changes have taken place, which might in the opinion of some justify a change of their attitude towards the Commission. That is the exact point that this motion raises now. That changes have taken place is a point beyond dispute ; but whether the changes are such as will justify the members of this House in changing their attitude towards the Commission that is the point raised for debate. I do not think, Sir, for a moment that hon. Members of the Swarajya Party would stand in the way of any such discussion taking place. I do think that, being imbued with democratic instincts and democratic traditions, they would not be mere sticklers for the technical principles of *res judicata* with which we lawyers are so familiar in court, but true to their democratic principles of freedom of discussion and of speech they would encourage a further free and full discussion of the question that was debated upon and decided in January last in the light of the changes that have taken place. As I observed, changes have taken place. We may disagree that the changes are such as to justify any change of our attitude ; but at any rate it is certainly open to the Council to have a further discussion of the matter whether the changes are such as to justify a change of attitude on our part and if so to vote for co-operation. I submit, Sir, that this motion is quite competent and that it will be really desirable in the interests of the country, in the interests of the public and of this Council that a further discussion and a complete discussion on this question should take place and that this motion should be allowed to be debated."

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—" Mr. President, Sir, standard treatises on procedure in the House of Commons make it clear that there are two fundamental methods by which a matter can be brought for discussion before the House : they are (1) by means of resolutions and (2) by means of motions (Redlich Volume II, page 215). That distinction has been kept up in the Legislative Council Rules framed under section 72 of the Government of India Act, and also in the Standing Orders of the Legislative Council which have been made by this Council with the consent of His Excellency the Governor. Now, I understood that some of the hon. Members admitted that there is such a distinction between motions and resolutions. We are not here concerned with the dictionary meaning of these words. The Legislature takes care to say beforehand in what particular sense particular words and expressions are used either in the Act or in the Rules. Now under the Council Rules there cannot be a 'resolution' unless it be a specific recommendation to the Government in respect of a matter of general public interest. Rule 23 says that every resolution shall be in the form of a specific recommendation addressed to the Government and rule 24 says that any such resolution shall have effect only as a recommendation to the Government. Now reading rules 23 and 24 together, it is absolutely clear that if any particular discussion before this House is not

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aimed at bringing forward to the consideration of Government a specific recommendation on a matter of general public interest—it may be anything else, it may be anything in common parlance—it cannot be said to be a 'resolution' for the purpose of these rules. Now what are the limits by which the moving of such resolutions is circumscribed? Now rule 23, besides saying that the resolution should be in the form of a specific recommendation addressed to the Government, restricts the subjects available for discussion. The resolution should not deal with communications between the Local Government and the Government of India or the Secretary of State, it should not deal with matters which are *sub judice* and it should not also deal with the relation of this Government with foreign governments. Then there are also further restrictions regarding the duration of notice, and ballotting in the case of resolutions. These are the main considerations that should be kept in view in finding out whether a particular matter for discussion is or is not a resolution for the purposes of these rules. Again Standing Order No. 65 says that when a resolution has been moved in the Council, no resolution or amendment raising substantially the same question shall be moved within one year; but if a resolution has been disallowed, the period that should elapse before the resolution is repeated is not one year but is restricted to the same session.

"Now let me remind the House as to what are 'motions' as contradistinguished from 'resolutions.' Motions in the loose sense may refer to discussion of any subject. Do we not say that a resolution was moved? But the sense in which we are concerned when using such words here is that the nature of motions is different from resolutions for the purpose of discussing matters before this House. As far as motions are concerned, they are provided for specifically in some instances by the rules and the standing orders. Hon. Members are aware of rule 11 relating to adjournment motions. We also make motions with reference to Bills. Motions are made for the purpose of constituting a House Committee, Public Accounts Committee and Finance Committee. These are all matters which are specifically mentioned in the rules and standing orders. There are other cases where motions are allowed though they have not been specifically provided for in the rules and standing orders and they are, it would seem, attributed to the inherent powers of the House to resolve upon certain matters, for example, motions of condolence or congratulation."

* The hon. the PRESIDENT :—"Congratulatory or condolence motions are not matters of public concern; they concern only the House."

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—"Now with reference to motions, the rules are that notice should be given, the President could in some cases agree to shorter notice. Standing Order No. 30 says that the subject on which a motion has been made cannot be discussed again within the same session. Now in order to determine the time-limit for the application of the 'rule of repetition' in the case of the particular matter before the House, we will have to see whether it is what is technically known as a resolution or what is technically known as a motion. Now having regard to the definition of a 'resolution' in rule 23, namely, that it should be a specific recommendation to the Government, it is clear that what is now before the House could not possibly be a specific recommendation to the Government. In that sense it is not a resolution. For this purpose I will just read what is now proposed to the House by the motion of the hon the Leader of the House.

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3-15 p.m. "'That for the purpose of jointly conferring with the Indian Statutory Commission on the terms stated in the letter of the Chairman of the Commission to His Excellency the Viceroy, dated the 6th February 1928, and in the further announcement published by the Government of India on 23rd June 1928 this Council do proceed to elect seven representatives in accordance with the regulations made by the hon. the President under Standing Order No. 77 for the holding of elections by means of the single transferable vote.' It is clear that the essential of a resolution is that there must be a recommendation to the Government the object of which is that the Government should be pleased to do something definite in pursuance of this resolution, and that object is wanting in this proposal. What the House is required to do is to do something itself, and not to ask the Government to do something. The rule of repetition should not be allowed to operate except to the extent to which the language of any particular rule will operate. Let me remind the House of the practice in England, where whether it is a resolution or a motion, the rule of repetition is confined to the same session. I have read books on Parliamentary Practice by May and Redlich, and in May's book at pages 290 and 291, I find that once the House prorogued for two days, because if the session was changed the same motion could be brought up for discussion again. Thus you will see that in England the principle of repetition is confined to the same session. Here we have Standing Order No. 65, stating that when a resolution has been moved in the Council it could not be brought up again within one year.

"Now my hon. friends on the other side sought the aid of Legislative Council rule 24-A by putting a construction favourable to them. But what I say is that rule 24-A is a conclusive answer in favour of the contention that I am putting before you. Before we read rule 24-A, we must read rule 22 first. It provides that 'the Governor may within the period of notice disallow any resolution or any part of a resolution on the ground that it cannot be moved without detriment to public interest or on the ground that it relates to a matter which is not primarily the concern of the local Government, etc.' What I am now concerned to show is that there is under rule 22 power to His Excellency the Governor to disallow a resolution wholly or in part on the ground that it cannot be moved without detriment to public interest or that it relates to a matter which is not primarily the concern of the Local Government. We must remember that rule 24-A was enacted years afterwards, and I think it was enacted in 1926. That rule has been already read before this house, but I will read it once more so that we may clearly analyse it. Rule 24-A (1) runs as follows :

'Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor under any provision of the Government of India Act or of these rules no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions, except with the consent of the President and of the Member of the Government to whose department the motion relates.'

"According to my construction of rule 24-A, hon. Members have been given powers besides those conferred by rules 22, 23 and 24, additional powers to discuss matters of public interest, not by means of resolutions which have already been provided for, but by a new, less cumbersome mode of motions—while at the same time safeguarding public interests. It says 'Save in so far as is provided by these rules'—this means the rules already provided for the

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making of motions; or 'in any case in which a communication is to be made to the Governor under any provision of the Government of India Act or of these rules'—this gives us a second right. The rule then proceeds to give a third right—'No discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions' If the section ended there it will be simply repeating what has already been provided for—but it proceeds to enunciate one more category, by enacting that no discussion on a matter of general importance shall take place except with the consent of the President and of the Member of Government to whose department it may relate. In addition to the modes by which motions are allowed already, the section proceeds to show that resolution is the only proper way, unless you have got the consent of the President and of the Member of the Government in charge of the subject."

A voice: 'What is the category?'

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR:—"If the first and second fall under that category the third equally falls under that.

"What does rule 24-A (2) say? It gives a safeguard, a limit:

'It shall not be permissible to the President or to the Member of the Government concerned to give his consent to the moving of any motion in regard to any of the "subjects" in regard to which a resolution cannot be moved.'

"One should not be under the idea that because these rules have been made, the scope as regards subject matter is unlimited. The answer is given here. The same restrictions which limit the subject matter of resolution—the three items mentioned under rule 23—apply to such motions also. For rule 24(2) runs thus:—'It shall not be permissible to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved and the decision of the Governor on the point whether any motion is or is not within the restrictions imposed by sub-rule (1) of rule 23 shall be final.' While the limitations contemplated by rule 23 refer to the relationship between the Local Government and foreign Governments, etc., rule 24-A (2) also contemplates similar limitations with reference to the subject matter. Finally the point is made further clear by sub-rule (3) which says:—'The Governor may disallow any motion or any part of a motion on the ground that it cannot be moved without detriment to the public interest or on the ground that it relates to a matter which is not primarily the concern of the Local Government and if he does so the motion shall not be placed on the list of business.' Rule 22 which is the original rule relates to the disallowing of resolutions wholly or in part. But with reference to the right created by rule 24-A, there should be a limitation and the sub-rule (3) of rule 24-A provides for it. And instead of the words 'resolution or any part of a resolution' occurring in rule 22, you have got the words 'motion or part of a motion' in rule 24-A (1), and with reference to the subject matter the sequence makes it clear what is really contemplated by the rule. The grounds on which a motion may be disallowed under rule 24-A (3) are identically the same on which a resolution or a part of a resolution may be disallowed under rule 22. If rule 24-A concerned only resolutions, what meaning can be attached to the Legislature adding years afterwards this new rule 24-A making it absolutely redundant and absolutely unnecessary. It could not be that

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rule 24-A was enacted years afterwards to fill up a gap which never existed. Rule 24-A (3) makes it absolutely clear that what is contemplated by rule 24-A is motion and not resolution. In fact the wordings make it clear. Just as in rule 22 we have 'If he does so the resolution or part of the resolution shall not be placed on the list of business', similarly here 'if he does so', i.e., if His Excellency acting within the powers given to him by the rule disallows a motion, it specifically says 'the motion shall not be placed on the list of business.' It seems to me having regard to the expressed words occurring in rule 24-A it is impossible to believe that it refers to resolutions. Rule 24-A (2) says 'it shall not be permissible to the President or to the Member of the Government concerned to give his consent to the moving of any motion. . . .' So that what is contemplated is the moving of a motion in regard to which a resolution cannot be moved. This gives a real clue to the rule. There is the well recognized distinction between motion and resolution and in fact this could not be disputed at present. Having regard to these circumstances, I contend that rule 24-A which has been invoked to vetoing this motion is not capable of the construction contended for by the hon. Members opposite. One of the hon. Members thought that the word 'subject' is used in rule 24-A in some colloquial, common matter of fact meaning and not in any technical sense. (A voice : It is not a term of art.) With reference to that remark we must remember that the Legislative Council Rules are made under powers reserved by section 72-D of the Government of India Act.

3-30 p.m. "Section 72-D of the Government of India Act uses the word 'subject' in the sense of subjects the discussion of which is prevented by moving resolutions or by any other mode of bringing matters for discussion before the House; so that, to say that the word 'subject' has one meaning in one part of the Act and another meaning in another part of the Act or rules framed thereunder is not correct.

"Section 72-D gives power to make rules and when the rules are made, they should be deemed as part of the Act itself. These rules being part of the Act, the contention that the word 'subject' must have one meaning in one portion of the Act and another meaning in another part of the Act is not tenable.

"In regard to Standing Order No. 65, it says that 'when a resolution has been moved in the Council, no resolution or amendment raising substantially the same question shall be moved again within one year', so that that rule applies only in the case of a proceeding that is subsequently brought before the House as a resolution. The proceeding before the House is not a resolution. That being so, Standing Order No. 65 does not apply at all. If Standing Order No. 65 does not apply, there is no standing order which prevents the discussion of any matter in a session other than the session in which the matter was previously discussed. Even under Standing Order No. 65, if a resolution was disallowed, it can be discussed in the next session. Under Standing Order No. 30, if a motion had been made and the Council had expressed itself on it, the same matter can be discussed in the subsequent session, so that in this particular case when a motion is brought forward with a view to reconsider a matter with reference to which a resolution was moved on a former session in this House, it is not barred by the rule of repetition contained in Standing Order No. 65.

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" There is one other aspect in which the question is capable of being viewed. Ordinarily there is freedom of discussion and every House has got power to discuss any matter which it thinks proper. No doubt it is a wholesome principle that you should not be wasting your time by bringing matters about which you have given an opinion at an earlier period. However wholesome that rule is, it loses the wholesome nature, if you apply it to circumstances other than those which the language of the Standing Order justifies. The right to discuss is a matter of great importance and unless any person, who wants to circumscribe that right, brings his objection specifically within the language of a particular rule by which it is sought to be circumscribed, the general right of discussion must prevail.

" I heard some general discussion that the whole thing is a matter of discretion of the President, and that the hon. the President is entitled to say ' I give my leave ' or ' I do not give leave.' "

The hon the PRESIDENT :—" Does the hon. Member see the difference between clauses (1) and (2) of Standing Order No. 65 ? One clause refers to a session and the other refers to one year. "

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—" I referred to that also at an early stage of my speech probably I did not emphasize it sufficiently. Only in the case of resolutions which have been moved in the Council, the limit is one year. In all other cases, even in the case of a resolution which has been disallowed, as in the case of motions discussed the only limit is the same session.

" Let me continue—it was said that it was a matter of absolute discretion of the President and that the hon. the President had got the sole and absolute choice whether he would give leave or not. The question of discretion is, as will be made clear, not an arbitrary discretion. Lawyers are aware of provisions of law wherein it is mentioned that the court may grant bail, the court may adjourn a case, the court may grant leave to institute suits in respect of which part only of the cause of action arises in the City of Madras. The Advocate-General may grant leave to institute suits in cases of public charities. In these cases the word ' may ' does not mean that it is a matter of sweet will and pleasure on the part of the person in whom the discretion is vested. It is clear that the discretion has to be exercised in proper cases for the benefit of persons for whom it is intended, so that if the necessary circumstances exist and if a case has fairly been made out for the exercise of the discretion, the mere fact that it is a discretion should not enable anybody to refuse to exercise the same. Section 72-D mentions that there should be free discussion. The only limit is the limit prescribed by rules and by-laws. Unless somebody objects that a particular thing is prohibited by law from being discussed the onus being upon him to show clearly how the prohibition applies, any person is entitled, when once he fulfils the requirements mentioned in the provision, with the consent of the Member in charge and the President, to discuss this matter of general importance.

" I was anxious to trace the right of moving resolutions and the right of making motions in the Legislative Councils. I think I have already taken so much of the time of the House that I do not wish to detain it further. Very shortly I may say that in the earlier Act of 1861 there was no such right as the right of moving resolutions or the right of making

motions at all. Members of the Legislative Council were brought together only when legal bills were sought to be discussed. In the year 1818, the right was given to discuss the budget but not to vote. By section 72 of the Government of India Act of 1919 and by the Madras Legislative Council Rule 24–A, rights of discussion have been given. If one looks at rule 12-A where the right to make a motion to criticize the policy of a Minister or to show want of confidence in a Minister is given, one can see that it was in order to make that point clear that a new rule, rule 12-A, was enacted, giving Members the right to make motions on the subject also. Rule 24-A is a general rule framed with that object, in the circumstances mentioned therein and with the restrictions mentioned therein of enabling motions to be made on an extended scale. As the present case is one of motion, it is not open to anybody to object to the consent of the President being given if the hon. President deems fit to do so.

"As I have already mentioned, the main distinction between a resolution and a motion would make the matter clear, a resolution being recommendation about something which is left to the ultimate decision of His Excellency the Governor, whereas this motion is one which has to be decided by the House itself; so that, reading the particular proceeding before the House nothing is left to be recommended to the Government. The thing is left for this House itself to decide. For these reasons, I submit that the motion is in order."

* Mr. C. Ramasomayajulu :—" Sir, I wish to correct a statement with regard to my speech. The hon. Advocate-General said that I wanted to give the expression 'subject' some meaning other than what it really bears. I said that it must be understood in its ordinary meaning and not in a restricted sense so as to limit it to the subjects covered by rule 23."

* Mr. S. Satyamurti :—" Mr. President, Sir, it is obvious that you do not accept the extraordinary dictum of the hon. the Advocate-General that it is a matter of right on the part of the Government to bring forward this motion and that you have no discretion in the matter except to say 'yes' That is the effect of trying to argue beyond what is necessary for the purpose. You have followed the principle for the first time of listening to all sections of the House before you make up your mind whether you should give your consent or not. I think you have told us 'I have not made up my mind; the matter is not free from doubt; it is not a matter for my sole judgment; it is not a matter of right; it is a matter of discretion and I propose to decide judicially after hearing all sides of the question'. I am thankful that the hon. the Advocate-General has not been able to force his view upon you.

"With that preface I want to say at once that the hon. the Leader of the Opposition has already stated that no point of order can arise on a motion which is not before the House. That can be raised only in the eventuality of your giving your consent and your leave to the hon. the Leader of the House to make the motion, though it is not on the agenda. That, I take it, will be the time when a point of order can be raised on the question whether it is admissible or not: and then, I take it, after hearing the arguments you will give your ruling."

* The hon. the President :—" Those who have argued that point will not be given another chance."

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* Mr. S. SATYAMURTI :—" I am concerned now only with the matter of procedure, that the point should be raised and that it should be ruled by you.

" I entirely agree with my hon. Friend, the Advocate-General, that your discretion is judicial; the discretion is not arbitrary; the discretion you have got to exercise is based on well-known principles which have been formulated by your predecessors in that distinguished office.

" What are the points of the hon. the Advocate-General? Looking at the history of the Act—he is not familiar with such matters—I mean no offence—he argued that rule 24-A confers a privilege, whereas it restricts. You will remember that, till this rule was enacted, the power of the House to make motions of this kind was almost unlimited and motions were moved with regard to no-confidence in Ministers."

* The hon. the PRESIDENT :—" I do not agree with the hon. Member. The question was always raised that such power was not vested in the House."

* Mr. S. SATYAMURTI :—" I can give one or two instances with regard to the Mettur project. . ."

* The hon. the PRESIDENT :—" That question was not raised."

* Mr. S. SATYAMURTI :—" I shall try to find out such instances. My submission now is that rule 24-A does not confer a new privilege; it merely seeks to regulate the inherent right of the House to discuss matters of general public interest."

* The hon. the PRESIDENT :—" I draw the attention of the hon. Member to section 72-D (5) of the Government of India Act."

* Mr. S. SATYAMURTI :—" That section says that rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules."

* The hon. the PRESIDENT :—" The Council has no right to discuss the subjects not specifically mentioned in the rules. That was the view that was taken. The matter was referred to the Muddiman Committee and rule 24-A was framed thereafter."

* Mr. S. SATYAMURTI :—" I am merely suggesting that while rules may be made for prohibiting or regulating the discussion of subjects, so long as rules are not made for prohibiting certain subjects, it is the inherent right of the House to discuss all subjects."

* The hon. the PRESIDENT :—" Section 5 of the Indian Councils Act of 1909 says: 3-45 p.m.

' Notwithstanding anything in the Indian Councils Act of 1861, the Governor-General in Council, the Governors in Council of Fort St. George and Bombay respectively and the Lieutenant-Governor or the Lieutenant-Governor in Council of other provinces shall make rules authorizing any meeting of their respective Legislative Councils to discuss the annual financial statement of the Governor-General in Council or of the respective Local Governments as the case may be, and of any matter of general public interest and the asking of questions, under such conditions and restrictions as may be prescribed in the rules applicable to the several Councils."

" And the rules were framed thereunder."

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* Mr. S. Satyamurti :—" My point is this, Sir : Supposing for argument's sake, the rules do not provide for the number of members who will constitute a quorum ; then there will be no quorum at all. Then two or three members can carry on the business. Therefore, so long as the rule is not made to prohibit the meeting of the Council without a particular quorum, there is no power in anybody to say ' this Council is not validly constituted '."

* The hon. the President :—" Rules are to be framed so as to regulate the asking of questions on and the discussion of any ' subject specified in the rules '. Unless the subject is specified in the rules and it is regulated, the Council cannot have the power to discuss that subject matter."

* Mr. S. Satyamurti :—" I submit not, Sir, with all respect. There is the general power of the Council to discuss all subjects. This is an inherent power in the Council. The rules may be framed for the purpose of regulating or prohibiting the discussion of any subject."

* The hon. the President :—" The previous Indian Councils Acts prohibited any other matter, i e., the Acts of 1861 and 1892. The Act of 1909 also prohibited, but Governments were enabled to make rules."

* Mr. S. Satyamurti :—" You will notice, Sir, that the rules have not attempted to prohibit or regulate all possible subjects. The scheme of the rules, on the other hand, is to exclude certain subjects only. Nowhere has it been laid down ' these are the only subjects on which the Councils can pass resolutions or discuss '. It is a rule of exclusion, Sir."

* The hon the President :—" After rule 24-A came into force, all subjects of general public interest were exhausted, provided that they do not come within the restrictions of rule 23 (1)."

* Mr. S. Satyamurti :—" All discussions on matters of public importance can now come to the House either under 23, 24 or 24-A ; but whether a particular subject will be a matter of public importance or not there is no attempt at having a category, even illustrative, of the kind of subjects which can come before the Council."

* The hon. the President :—" The subject may be a matter of public interest or may not be a matter of public interest. Even now, if we read the Act as well as the rules, a subject which is not a matter of general public interest is not provided for by the rules, and there is room for doubt whether a motion on such a matter can be allowed. The Muddiman Committee however said that, as far as the congratulatory and condolence motions were concerned, a practice had already been established."

* Mr. S. Satyamurti :—" I entirely agree with you, Sir, with all respect."

* The hon. the President :—" There are other motions which may not be matters of public interest, which may not be congratulatory or condolence motions and not coming within the purview of the rules."

* Mr. S. Satyamurti :—" That is my difficulty, Sir. I agree that the rules contemplate discussion of these categories only so long as the subjects are matters of public interest, and there is no rule prohibiting any subject. The only test is whether it is a matter of public interest. Therefore, any subject, so long as the President holds it is a matter of public importance, the Council has got a right to discuss."

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* The hon. the PRESIDENT :—" On account of Rule 24-A ?"

* Mr. S. SATYAMURTI :—" On account of the Government of India Act, which says 'can prohibit or regulate.' I concede that it is up to the rule-making authority to give a list of 40 or 50 subjects and say, 'these are the only subjects on which you can discuss.' "

* The hon. the PRESIDENT :—" Discuss the subject specified in the rules. If the subject is not specified in the rules, you have no right."

* Mr. S. SATYAMURTI :—" I submit with all respect, there is no subject specified in the rules."

* The hon. the PRESIDENT :—" A subject may be of two classes, viz., that which concerns the public interest and that which does not. Subjects which concern the public interest are now exhausted on account of rule 24-A. Subjects which are not of public interest are not dealt with, and even the Muddiman Committee explicitly stated that conventions had already been created regarding congratulatory, condolence, or other ceremonial motions."

* Mr. S. SATYAMURTI :—" I agree, Sir. But with all respect, I submit that there is no provision made anywhere in the rules or any subjects specified in the rules, with regard to which there are rules to prohibit or regulate such discussion. I am almost certain, that there is no attempt made in the rules to specify the subjects on which discussion can take place. There is a lacuna in the rules, I should say."

* The hon. the PRESIDENT :—" The list is being added to one by one. In the rules published in 1920 were included the subjects on which budget motions, motions for adjournment on urgent matters of public importance and resolutions which are recommendatory can be moved. Later on, Rules 12-A and 24-A were added."

* Mr. S. SATYAMURTI :—" If your interpretation is this, that the rules must be read as they stand, so as to give a complete list for the time being, of subjects which may be treated as specified in the rules under the terms of sub-section (5) of section 72-D of the Government of India Act, then I submit that there is only one category—whether you call it a motion or a resolution—of those matters of public importance. That is to say, apart from legislation, apart from budget demands, apart from motions of no-confidence, apart from adjournments of the House for discussing matters of public importance, there is only one category, viz., motions on matters of public importance, which so far as the procedure is concerned, can be discussed either in the way of ordinary resolutions or in the way of resolutions in the form of motions under Rule 24-A. That I concede. But my submission to you is that the distinction sought to be made by the hon. the Advocate-General between motions and resolutions is unknown either to Parliamentary Practice or to our rules and standing orders. I have no hesitation in saying that Standing Order No. 29 says that every question before the House must come only in the form of a motion, and a resolution just like any other matter is a question, and it is put to the House in the form of a question on a motion made before the House. Whatever it be, the question has got to be framed by you only on the making of a motion And the matter is clinched by the definition of the word 'resolutions' in the rules themselves. Resolutions, Sir, are defined as 'motions for the purpose of discussing matters of general

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public interest'. Therefore, there is no question of any distinction in our rules or standing orders between motions and resolutions, and there is no such distinction in Parliamentary Practice either.

"Then, Sir, the hon. the Advocate-General said that a resolution must be in the form of a specific recommendation to the Government, that this is not a specific recommendation to the Government, that this is not a resolution and that therefore it is valid. There is a great deal of fallacy behind that argument. It is a resolution because we contend it is a discussion on a matter of general public interest. The mere trick of jugglery, if I may say so with all respect, of changing the words cannot change the substance of the thing. I refer to May's 'Parliamentary Practice', page 295. There this distinguished parliamentary authority to which the hon. the Advocate-General referred frequently and to which I shall also refer says 'that a mere alteration of the words of the question without any substantial change in its object will not be sufficient to evade this rule.' 'On the 7th July 1840, Mr. Speaker called attention to a motion for a Bill to relieve dissenters from the payment of church rates before he proposed the question from the chair. Its form and words were different from those of a previous motion; but the object was so substantially the same and the House agreed that it was irregular and ought not to be proposed from the chair'. My submission is this: this motion now asks the House to vote in favour of electing a committee to confer with the Statutory Commission. The earlier resolution was to the effect that the Council will have nothing to do with the Commission. I submit the object is not only substantially but identically the same. Therefore, to say that because the words have been changed and the words 'that it be a recommendation to the Government' are not contained there, it is a motion, is a distinction which certainly ought not to be pressed before you for acceptance.

"Then, Sir, my hon. Friend laboured the point that these motions are not resolutions. Then my humble question to him is 'What are they?' They must be something or other, and there is no use juggling with words. This is a matter which is intended to bring up a matter of general public interest for discussion. My learned friend relied greatly on the wording of rule 21-A. I will do the same, and I am equally confident that a clear unprejudiced reading of that rule will make it clear that this resolution comes within the prohibition of Standing Order No. 65. My submission to you is that the words 'resolution' and 'motion' are there used as if they are interchangeable. 'Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor under any provision of the Government of India Act or of these rules, no discussion of a matter of general public interest shall take place. . . . .' I join issue with the hon. the Advocate-General on the meaning of the words The object of the whole rule is to regulate—to use the words of the Government of India Act—the discussion on matters of general public interest. The whole object of the rule is that discussion on matters of general public interest can come in in only one of the two or three or four ways provided in the rule. The first way is a resolution, then a communication to be made to the Governor under the provisions of the Government of India Act, then a discussion on an ordinary resolution and a discussion on a resolution as contemplated in Rule 24-A. Where does the word 'motion' appear? It does not appear anywhere.

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Then it goes on: 'no discussion shall take place otherwise than on a resolution moved . . . except with the consent of the President and of the Member of the Government to whose department the motion relates'. Is it seriously contended that the word was put in there in order to draw a serious distinction between a resolution and a motion? Is it consistent with canons of statutory construction to say that the authors of these rules want to make such an important distinction between 'motion' and 'resolution' when in the definition clause it is said that a 'resolution' means a motion for discussing a matter of general public interest and in the same sentence of the rule the words 'to whose department the motion relates' are used without both the words meaning the same thing?

"Then, Sir, my hon. Friend also referred to the inherent powers of the House. You also expressed your doubts on the matter, and I do not propose to address therefore on that matter.

"My learned Friend also made a point that the rule of repetition ought not to be extended; that it was a privilege of the House and that we must be very careful not to restrict it. It is a phantom, Sir, this privilege. I can make no motion unless the occupants of that bench agree. It is not as if the House has a privilege of bringing a question before it, subject to your consent as the custodian of the privileges of all sections of the House; but if these seven gentlemen must have the right to regulate discussion of these matters, it is not a privilege of the House, but it is a privilege of the Cabinet that they should give consent or refuse to give consent. If it were a case of the House itself having the right to reconsider the question without any reference to the Government and after reference only to the Chair which will merely carry out the procedural duties without looking into the merits of the question, then it will really be a privilege of the House. I would not, in that case, hesitate to ask you to accept the arguments of the Advocate-General; for in that case the privilege is to be exercised by one who has no political purpose, who is above all parties, who will only be concerned with the privileges of the House; but to exult in a concession which may either be extended or withheld by the Cabinet as a privilege of the House is certainly mistaking the meaning of words.

"Then my hon. Friend also referred to Rule 22 (1), and said that Rule 24-A used the word 'motion' and Rule 22 (1) used the word 'resolution,' and that therefore the two things must be inconsistent. I have already pointed out that these two words are interchangeable, and that there is no use juggling with these words.

"Then my hon. Friend said that this was a third category in the category of motions. It does not take him anywhere. All resolutions are motions; all questions before the House are motions. The question is, what is the category, and my submission is that the category is a category of resolutions. What does this Rule 24-A do? It confers a privilege on the House in this sense, namely, that when the Members of the Treasury Bench agree and you give your consent, then they can dispense with notice and with having to ballot the resolutions. There is no other privilege given to this House. If they agree, and if you give your consent, you can do without notice, you can escape the chances of the ballot, and I think, Sir, that it is a great enough privilege by itself without having anything to add to it. 4 p.m.

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"My hon. Friend contended that Standing Order No. 30 alone might apply and Standing Order No. 65 might not apply. I want to know, if it is merely a motion without having to come under the category of resolutions, how Standing Order No. 30, which merely prohibits a motion within the same session can be held to apply to it unless it comes under some category or motions or other. You do not escape by merely saying it is a motion. You have got to bring it in under some category. I submit with confidence that there is no category under the rules or standing orders except the category of resolutions, under which this can come. It is not a question of no-confidence; it is not an address to the Governor; it is not a motion for adjournment. Then, what is it? As a lawyer, he must meet this point. There is no use repeating the mantram 'motion.' You, Sir, yourself laid down that Rule 24-A taken along with similar rules on matters of general public interest is exhaustive."

* The hon. the PRESIDENT :—"Those exhaust the subjects of general public interest."

* Mr. S. SATYAMURTI :—"Therefore, I am making my submission from the dictum laid down by you just now, namely, that Rule 24-A taken along with the other rules exhausts all the categories of subjects on which discussions can take place in the House as matters of general public importance. If that is so, Mr. President, I submit, further, that this motion can come in only under the category of resolutions, because . . ."

* The hon. the PRESIDENT :—"It comes under the category of motions. Every motion need not be a resolution. Every resolution is a motion. A resolution is one which is always a recommendation to the Government under Rule 23 (1)."

* Mr. S. SATYAMURTI :—"But Rule 24-A uses the words 'matter of general public interest.' That is a common factor."

* The hon. the PRESIDENT :—"Except with the consent of the President and of the Member of Government."

* Mr. S. SATYAMURTI :—"I mean that this rule contemplates, whether it be a resolution or a motion under Rule 24-A, only a discussion on a matter of general public interest. Then, if it is a motion which raises a matter of general public interest, I say, taking the definition of 'resolution'—which says 'resolution' means a motion for the purpose of discussing a matter of general public interest--this motion is a resolution."

* The hon. the PRESIDENT :—"I am afraid in that case a further difficulty arises on account of Rule 23 (1). Rule 23 (1) has to come along with others. It prescribes what the form of a resolution should be. When it does not have that form, it is a motion. My difficulty is this: when a matter of general public interest is put in the form contemplated by Rule 23 (1), it becomes a resolution and Standing Order No. 65 will apply to it. When it is not cast in that form, it remains only a motion, and then Standing Order No. 30 applies to it."

* Mr. S. SATYAMURTI :—"I put it this way. It is a resolution requiring the consent of the President and of the Member of Government, but not requiring notice or ballot."

* The hon. the PRESIDENT :—"It is a motion requiring the consent."

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*Mr. S. SATYAMURTI :—" Motion is the genus ; resolution is a species ; and the motion may be one of six or seven kinds."

* The hon. the PRESIDENT :—" Motions other than resolutions. The subjects may be divided like this ; subjects concerning the domestic affairs of the house and matters of public concern. Motions relating to matters of public concern may be divided into two classes (1) resolutions which are put in the form of recommendations to Government and (2) motions other than resolutions which are not in the form of recommendations to Government."

* Mr. S. SATYAMURTI :—" Matters of public concern may be divided into (1) resolutions in the form of recommendations to the Government and (2) resolutions in the form of a motion under Rule 24-A, without having the form of a recommendation to Government, without requiring notice or ballot and subject to the consent of the President and the Member of Government. That is the definition, I submit, for your careful consideration."

*The hon the PRESIDENT :—" Standing Order No. 65 was framed when the latter class of motions had not come into existence. Therefore, the application of Standing Order No 65(1) is to be confined only to resolutions, or motions on matters of general public interest."

*Mr. S. SATYAMURTI :—" On the other hand, if I may say so respectfully, that argument strengthens my position. Because, these standing orders are valid and they apply to all subjects covered by the rules except to the extent of their repugnancy to the rules. Sir, may I submit this : Standing Order No 65 was in existence at the time when Rule 24-A was made. Rule 24-A was not in existence when Standing Order No. 65 was made. But Standing Order No. 65(1) was in full validity at the time Rule 24-A was made, and under section 72-D (6) of the Act, I submit, no standing order may be made which is repugnant to the provisions of any rules. Therefore to the extent of that repugnance but not otherwise, the standing order may not apply, unless it is contended that the standing order is repugnant to the rules . . . "

* The hon. the PRESIDENT :—" If the rules provide for something and the standing orders also provide for the same thing, and if there is a repugnance between the two, the standing orders are not operative."

* Mr. S. SATYAMURTI :—" Yes, Sir. But it is a matter for which only standing orders provide, and therefore there can be no repugnance. Therefore, Standing Order No. 65 must be held to apply to it, and if the word 'resolution' is there, it must be taken as meaning what the definition says,—'resolution' means a motion for the purpose of discussing a matter of general public interest. Therefore, under Standing Order No. 65 when a resolution has been moved, no resolution or amendment, or a 'motion' on a matter of general public interest, should be moved within a year for the purpose of raising the same question. Therefore, I submit the existence of Standing Order No. 65 is rather an argument in my favour.

" Then, I want to suggest only one point and pass on to the question of your consent. As argued by the hon the Advocate-General, the inclusion of the word 'subjects' in rule 24-A is not conclusive. Is it suggested that no other limitations apply to those motions, limitations such as that they should not contain defamatory words, or ironical expressions ? I submit that apart from the question of the actual category of subjects included in rule 23 (1), there are other restrictions which should also be applied, as otherwise it will lead to absurd and anomalous conclusions.

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Then, Sir, is it suggested that you can bring up a budget motion under this category, namely, a motion that the budget passed by this House for 1928-29 be now rescinded and that all the money granted for the Transferred departments be spent on the Reserved departments? Is it contingent because rule 23 (1) deals with only three restrictions on subjects for discussion? Is it suggested that if tomorrow the hon. the Finance Member brings forward a motion that the budget be rescinded, however improbable an event it may be, the House can proceed to pass a resolution on that motion? Therefore, you have got to import into the interpretation of the rules all the relevant provisions. Otherwise, it will lead to dangerous difficulties which it will be impossible to provide for.

"Now, Sir, I proceed to make a few observations on the question as to why in our humble judgment you ought to withhold your consent, not as a party man, not as a politician, but as holding the high office of the President of this House. Sir, what has happened since the resolution was passed last time, whatever individuals may now say on the question? The present Law Member, who was then occupying a seat below the gangway, made a heroic attempt to get the House committed to an amendment which said that the House would ere long try to co-operate if the powers and status of the Committees were improved, and his attempt failed and miserably failed. That shows, Sir, that the House at that time had given a decision not only on the question, to which attention is invited, of not co-operating, but on the very specific question of appointing a Committee to co-operate. The House said, 'we shall not be satisfied if the powers and privileges of the committees are alone increased; we want something more than that.' And, Sir, my hon. Friend from Tinnevelly also then referred to the personnel of the Commission. I do not want to tire you with long references. But I am absolutely certain that almost every speech made on that occasion wanted that we should have self-determination in all things including the personnel of the Commission and that we should not be satisfied with anything less. Therefore, so far as that decision of the House is concerned, nothing can be said to justify this motion being brought up now. You, Sir, as President are entitled to look up and see whether any event has happened which would justify the House taking the privilege of reconsidering its verdict. I am sure you ought not to take notice of anything unless it be a matter of public importance. True, one event has happened to which reference is made in the motion, namely, the letter of Sir John Simon to His Excellency the Viceroy dated the 6th February 1928. But it does not refer unless I am mistaken, even to the telegram of Lord Birkenhead to the Viceroy about the Simon concessions to the Punjab Committee."

* The hon. Diwan Bahadur M. Krishnan Nayar:—"The reference is there in the motion."

* Mr. S. Satyamurti:—"I stand corrected, Sir. Now, Sir, I wanted to refer only to the telegram which Lord Birkenhead sent to His Excellency Lord Irwin, and which the Government of India published. I am sure you know the terms of that telegram; I only want to invite attention to this portion where it is stated that the Simon Commission 'considers that the reservation made in Sir John Simon's letter of February 6 to the Viceroy, which, in any event, would have been put into effect very rarely, if at all, can be adequately secured by the power which rests with the Chairman to protect any witness, and by his discretionary power to exclude the Press from

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the joint sittings when necessary.' Therefore, Sir, as the *Madras Mail* pointed out at the time there has been no change in the constitution of the Commission or in the status and powers of the Committees. Therefore, nothing has happened which can justify the question being reopened here now.

" Sir, the hon. the Advocate-General referred to Parliamentary practice. I wish he looked into May's Parliamentary Practice. The rule against repetition is a sound rule of public business, so says May. Our rules are self-contained and prevent a resolution being raised on the same issue in the course of one year. Moreover, even in the House of Commons, as you undoubtedly know, when the House is given an opportunity of reconsidering a previous decision, what the Government or the member concerned does is to table a resolution in terms asking the House to rescind the previous resolution. A positive vote is then taken."

* The hon. the PRESIDENT :—" Within the same session ? " 4-15 p.m.

* Mr. S. SATYAMURTI :—" Yes, because the rule there is very clear. I am submitting another line of argument for your consideration even assuming that the resolution in the present form simply ignores the past resolution of the House and makes no reference to it. . . ."

* The hon. the PRESIDENT :—" If it is a motion covered by the rule of repetition, why should it refer to the question of rescinding."

* Mr. S. SATYAMURTI :—" The rule against repetition is with regard to time. That is an absolute rule. Therefore if you hold that the rule applies, there can be no repetition within that session at all. I am going a step further."

* The hon. the PRESIDENT :—" The motion is subsequent to the prorogation of the session ; there need not be rescinding. That seems to be the Parliamentary practice."

* Mr. S. SATYAMURTI :—" I am arguing that this resolution does not give an opportunity to the House to say ' We have reconsidered the resolution ' ; it simply ignores it. I want to draw your attention to the dictum given by your distinguished predecessor, Sir P. Rajagopala Achariyar, when a motion not covered by rules or standing orders but provided for by the Act itself was being discussed—that was a motion by the Leader of the Opposition who was then a private member—viz., to present an address to His Excellency the Governor asking him to withhold his assent to the Madras Hindu Religious Endowments Bill. On that matter, there were no rules of standing orders. It was only the mere case of a motion unprovided for. Then, Sir, your predecessor laid down that in admitting motions of this kind the President had to be guided by the general scheme of the Act, rules and standing orders. In giving your consent, you must so make up your mind as to give effect to the general scheme of the Act, rules and standing orders. When it is the case of discussing or raising a discussion on a matter of general public importance, you would be consulting the best wishes and traditions of this House if you say ' so long as it raises a matter of general public importance, whether you call it a resolution or a motion, I shall not give my consent within twelve months of the earlier resolution having been moved '. On this, the executive Government cannot reasonably complain that they will suffer irreparable damage by the motion not being allowed. The

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Simon Commission is to come in February, and by the time the Commission comes, one year will have elapsed and then it will be time for Government to approach the Council and then there will be no question of consent."

* The hon. the PRESIDENT :—"In the case of the Punjab, all the papers have been submitted to the Punjab Committee."

* Mr. S. SATYAMURTI :—"That may be done in January."

* The hon. the PRESIDENT :—"The members of the committee may want time to digest"

* Mr. S. SATYAMURTI :—"There is no irreparable damage done to Government or others who believe in this Commission. Lastly there is no allegation before you that those who originally voted before have now changed their minds and therefore want an opportunity."

* The hon. the PRESIDENT :—"Mr. Kumaraswami Reddiyar has supported the motion."

* Mr. S. SATYAMURTI :—"He was only supporting the argument; he may not vote for it."

* The hon. the PRESIDENT :—"Mr. Siva Rao may support."

* Mr. S. SATYAMURTI :—"Both of them may not vote."

The hon. the PRESIDENT :—"There may be cases of speech on the one side and vote on the other."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Or at least neutrality."

* Mr. S. SATYAMURTI :—"In any case, I submit there has been no precedent. You are asked to lay down a ruling on a matter which has not been covered by precedent. In the United Provinces and, the Central Provinces the Government has not so far made any attempt to upset the verdict of the House; in the Assembly, to the best of my information, they have not attempted it. It is in Madras alone that the attempt is made to upset the earlier verdict of the House. I ask you, Sir, as President, to resist any such attempt and to uphold the best interests and traditions of the House."

* The hon. the PRESIDENT :—"Is not the responsibility more in the hands of the House?"

* Mr. S. SATYAMURTI :—"Sometimes in the hands of the President. In the reign of Charles I, the Speaker stood up for the rights of the members of the House of Commons. It is as much, very much more in your hands than in ours, and I have no doubt that if you can refuse your consent, Providence will bless you."

Diwan Bahadur P. KESAVA PILLAI :—"We had had discussions, very eloquent discussions, from both sides of the House. My Friend, Mr. Kumaraswami Reddiyar, said that he voted with some mental reservation. I had no mental reservation, but I voted against the personnel. I should think there are Members who might have changed their opinions, and they might be anxious to express their opinion this time. I think it is but fair that the Chair which is above all parties and interests should give an opportunity to the House to discuss it. I will simply quote here from my Friend Mr. Satyamurti's speech made some time ago at the time of your assumption of this high office as President:

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'Nor is it likely that the Governor will raid this House to find me or other inconvenient members of this House as Charles I did in 1642, but I can assure the House that if any such thing happens, you will say as Speaker Lenthall said "the Speaker of the House of Commons has neither eyes to see nor ears to hear nor tongue to speak but as the House is pleased to direct".'

"In all humility, may I say that that you can have nothing better than these words to guide you."

Mr. S. SATYAMURTI :—" And the standing orders."

Diwan Bahadur P. KESAVA PILLAI :—"I can assure my Swarajist Friends that I am going to vote against this motion but I think it fair that the House should be heard on this occasion. If the Government are defeated, I should be delighted."

* The hon. the PRESIDENT :—" I have given my serious consideration to the question whether I should give my consent or withhold it. During the course of the arguments, the question of point of order was also mixed up. I feel that I should at this stage reserve my opinion regarding the point of order. I have simply to decide whether my consent is to be given or not. I do not think the Chair will be justified in taking into consideration the political situation that may arise in the House from time to time. He must, though in the House, keep himself aloof from the political situations that may arise. As for the other considerations that have been urged, I think that as long as the usual procedure is adopted, the President will have to give opportunity to the House for expressing its opinion on the various motions that may be brought forward. The general rule guiding the President must be to give opportunities to the House unless there is some express provision saying that such an opportunity should not be given. How far the President in using his discretion will be justified in withholding his consent when the usual procedure is adopted is a matter in which I am not in agreement with the Opposition. In this case, as is customary with this House, the Council was prorogued on the 30th March up to this date. That is the usual date or time for prorogation. And a new session has begun According to the practice in the House of Commons when the Government in England found the necessity for proroguing the House as a means to get round the rule of repetition, it was never urged as flouting the opinion of the House or abusing the right of making a motion. This was pointed out by the Advocate-General. In these circumstances, I do not think I will be justified in saying that the Government is abusing any privilege of the House or flouting the opinion of the House. It is for the House to protect itself in the matter of its decisions. I do not think that the President will be justified in helping the minority or the majority one way or the other by using his discretion in favour of or against it Under these circumstances, I consider that I have to give my consent for the making of this motion.

"Some technical objection was raised as to the inclusion of the item in the agenda. I think no express rule is necessary to include it in the agenda. In any case the objection can be got over under Standing Order No. 6 (2). I give my leave for including it."

Mr. S. SATYAMURTI :—" Is it not usually asked for?"

* The hon the PRESIDENT :—" In this case, the Leader of the House asked for my consent as well as for leave to include it in the agenda. I said the Government have got the right to include it in the official agenda. Since technical objection is raised I give my ruling for its forming part of the agenda."

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* The hon. Sir NORMAN MARJORIBANKS moved—

'*That for the purpose of jointly conferring with the Indian Statutory Commission on the terms stated in the letter of the Chairman of the Commission to His Excellency the Viceroy, dated the 6th February 1928, and in the further announcement published by the Government of India on 23rd June 1928 this Council do proceed to elect seven representatives in accordance with the regulations made by the hon. the President under Standing Order 77 for the holding of elections by means of the single transferable vote.*'

4-30 p.m. * Mr. S. SATYAMURTI :—" On a point of order, Sir. I now raise the point of order which unfortunately some of us had to raise earlier and speak upon. I will take care not to repeat what they said, and place before you those points which have not been already placed before you.

" My first point is that this subject is not one which can be treated as coming under rule 24-A; that is to say, as if the consent of the Member to whose department the subject relates has been given. The hon. the Leader of the House is undoubtedly a Member of Government. He has made this motion. Unless you rule that by implication his consent also must be presumed . . ."

* The hon. the PRESIDENT :—" I think I have already ruled it in the case of a motion brought forward by the hon. Mr. Moir."

* Mr. S. SATYAMURTI :—" You rule that the very fact of his making the motion means his consent also to the motion? "

The hon. the PRESIDENT :—" The hon. the Finance Member made a motion under 24-A to carry over to a new year lapsed amounts of a previous year. I then said that when a Government Member makes a motion concerning his department he has given his consent to it by implication."

* Mr. S. SATYAMURTI :—" Was it under rule 24-A ? "

* The hon. the PRESIDENT :—" Yes."

* Mr. S. SATYAMURTI :—" You ruled that the fact of the motion being made was itself consent. There was no need for consent ? "

* The hon. the PRESIDENT :—" Yes."

* Mr. S. SATYAMURTI :—" My next point is that the Reforms or at any rate the work of the Simon Commission is not the work of a department of this Government. I will make myself clear. Rule 24-A says 'except with the consent of the President and of the Member of the Government to whose department the motion relates.' Turning to the distribution of portfolios you will find that the portfolio of the Revenue Member Sir Norman Marjoribanks, K.C.S.I., C.I.E., consists of two, (1) Provincial subjects and (2) Central subjects. The last of the Central subjects is Reforms.

" Now, Sir, I submit that, first of all, under the scheme of our Devolution Rules, Central subjects are not a department of the Local Government at all. Secondly, the Reforms or, at any rate, the question of the work of the Simon Commission is not a department of the Local Government The constitution of a committee to co-operate with the Simon Commission is not the business of the Government. It may be a business of the House I agree, but certainly it is not the job of Sir Norman Marjoribanks, Member of the Government of Madras, to get the appointment of a committee. He is not

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running the House or the Simon Commission either. Neither the House nor the Simon Commission is one of the portfolios of the Leader of the House.

"Sir, under the Statute provision may be made by rules under this Act for the classification of subjects in relation to the functions of Government as Central and Provincial subjects for the purpose of distinguishing the functions of Local Governments and Local Legislatures from the functions of the Governor-General and the Central Legislature. Those rules have been made in what are familiarly known as Devolution Rules. Under those rules there are schedules I and II. Schedule I deals with Central subjects. In the Statutory classification itself there is no central subject called Reforms. Where on earth the Madras Government got the classification of Reforms as one of the Central subjects which can be made a portfolio of the hon. Sir Norman Marjoribanks beats me. I have looked into it and if I am wrong I apologise. There is the item (47) under Part I of schedule I. It reads: 'All other matters not included among Provincial subjects under part II of this schedule.' That certainly cannot mean Reforms as to the future Government of India. I put it as an argument of common sense. The Government exists for the purpose of carrying on the Government. It is not the job of the Government for the time being to take charge of future changes in its own constitution. It is an extraordinary position. It is the job of His Majesty the King and Parliament. (The hon. Dr. P. Subbarayan: You agree?) That is the position as the Statute stands. (Dr. P. Subbarayan: Anyway, you agree?) My friend can wait to cut jokes. Sir, my point is that there is no subject as 'Reforms in the constitution' in any portfolio. My submission is that *all other matters* should be construed as *ejusdem generis*. There is no subject which can be taken to resemble or come near Reforms. Assuming that for the sake of argument it will come under clause 47 and that under Central subjects Reforms may be a subject, I submit that it is not a department of the hon. Sir Norman Marjoribanks. Because. . . ."

* The hon. the PRESIDENT:—"Does the hon. Member make a distinction between functions and departments of Government?"

* Mr. S. SATYAMURTI:—"Under section 45-A provision may be made for the classification of subjects. I am submitting the classification of subjects in relation to the functions of Government."

* The hon. the PRESIDENT:—"Rule 24-A (3) speaks of the Governor disallowing motions in regard to a subject which is not the primary concern of the Local Government. The previous portion speaks of the consent of the Member. He may give his consent because he is running the portfolio. It may not be a provincial subject, but a central subject run by him. Therefore it contemplates cases of Members of Government being in charge of portfolios which are not entirely provincial. They may be also central subjects and that is why the Governor has been given power to disallow motions relating to them."

* Mr. S. SATYAMURTI:—"I know. Assuming that it is so, the consent given must be the consent of the Member of Government to whose department the subject relates. Sub-rule (3) of 24-A gives an additional power to the Governor to disallow a motion on the ground that it relates to a matter which is not primarily the concern of the local Government. At the same

time it also gives you the power to rule whether the consent provided for in 24-A (1) has been given or not. It is in your province to determine whether the consent of the Member of Government to whose department the motion relates has been given or not. It is on that point I am making this submission whether you think that the work of the Simon Commission or the election of a committee to co-operate with the Simon Commission is a department which is being administered by the hon. Sir Norman Marjoribanks, the Revenue Member of the Government of Madras. In the scheme of the Devolution Rules under the Act you will find in the classification of central subjects that '(47) *all other matters*,' is the only head under which the subject of 'Reforms' can come.

"Then, Sir, I am at a disadvantage. I am not familiar with the authority under which this Government is administering the so-called central subjects. The only authority I can trace is section 45-A, clause (*c*) of the Government of India Act which says that provision may be made by rules under the Act 'for the use under the authority of the Governor-General in Council of the agency of local Governments in relation to central subjects, in so far as such agency may be found convenient and for determining the financial conditions of such agency.' If this is conceded that this Government is only an agent for the central Government so far as the Reforms portfolio is concerned it is not a department which is administered by the local Government. It is merely acting as an agent of the Government of India. It may be that, as my friends claimed last time, under Devolution Rule 5 they may have to fulfil some obligations which the Government of India may ask them to fulfil. Sir, ex epting that, there is Devolution Rule 3 which runs as follows: 'For the purpose of distinguishing the functions of the local Government and the local legislatures of Governor's provinces from the functions of the Governor-General in Council and the Indian legislature, subjects shall in those provinces be classified, in relation to the functions of Government, as central and provincial subjects in accordance with the lists set out in schedule I.' Therefore, so far as this Government is concerned, they are administering provincial subjects not one of which is Reforms. So far as central subjects are concerned at best they may be considered to be exercising certain functions with regard to central subjects as agents of the Government of India.

"I therefore submit that the constitution of a committee for the purpose of conferring with the Simon Commission is not a provincial subject: does not belong to a department which is being administered by the hon. Sir Norman Marjoribanks and therefore his consent, whatever it may mean, does certainly not mean the consent contemplated in 24-A as being the consent of the Member of Government to whose department the motion relates.

"Then, it must be a matter which is primarily the concern of the local Government. Undoubtedly the rule contemplates that it is the privilege of the Governor to disallow a motion on the ground that it is not primarily the concern of the local Government. I submit you too have the power to see to it that no motion is raised on a matter which is not primarily the concern of the local Government. That being so, it is not as if the Governor's power, to exclude discussion of the subjects which are not matters primarily the concern of the local Government, is exclusive of your jurisdiction. You can also rule and say 'I will not admit this motion because it is not a matter

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primarily concerning the local Government. Speaking subject to correction, I may say that it has been the uniform practice of this House that no adjournment motions are allowed if they are not matters which are primarily the concern of the local Government. It is not provided for as one of your powers, but you exercised that and no question has been raised. I submit therefore. . . ."

The hon. the PRESIDENT :—"I clearly remember that the question once arose in regard to the sending of Indian troops to China and the motion was disallowed as it concerned foreign relations. It was His Excellency who disallowed it. I do not remember any other similar motion."

* Mr. S. SATYAMURTI :—" But the practice has been that so far as adjournment motions are concerned." 4-45 p.m.

* The hon. the PRESIDENT :—" Was any adjournment motion disallowed on the ground that it did not concern the local Government ? "

* Mr. S. SATYAMURTI :—" Take for example salt tax. That motion was sought to be amended as a recommendation to the central Government. This House was not allowed in all matters of adjournment motions or resolutions to bring up matters which were not primarily the concern of the local Government."

* The hon. the PRESIDENT :—" Did not this House concern itself with salt tax ? "

*Mr. S. SATYAMURTI :—" Only as a sort of recommendation to the central Government. Sir, I am talking of the legal point. Sometimes we discuss motions merely as recommendation by the local Government to the central Government. But here we are concerned with the question as to whether this is a matter which is primarily the concern of the local Government. In any case I submit it is not a department of the Government and at this stage it is not open to the Governor to give his consent or to reject it. The matter has now come before the House for the first time. It will be hereafter for His Excellency to consider whether it is a matter which is primarily the concern of the local Government. When it comes on the agenda paper the rules contemplate that it is a business of the House. So before it appears on the agenda paper the Governor has power either to reject it or allow it. This kind of previous disallowance has never happened before. In the first place it is not a department of the local Government. Secondly even assuming that it is so, it is not primarily the concern of the local Government. Therefore for these two reasons this resolution is out of order. Therefore the consent given is not a valid consent.

" Sir, I only want to add that the advantages of this motion are that it need not be in the form of a recommendation to the Government, it need not require the usual notice and it need not run the gauntlet of the ballot box provided your consent and the Member's consent are obtained."

* The hon. the PRESIDENT :—" As far as Government motions are concerned, there is no gauntlet of the ballot box."

* Mr. S. SATYAMURTI :—" Then it is wholly out of order. I take it that Sir Norman Marjoribanks himself moves this motion."

* The hon. the PRESIDENT :—" Any item in charge of an official Member is an official business. The Leader of the House can arrange his business in the agenda without going through the ballot. That is the rule."

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* Mr. S. SATYAMURTI :—" Therefore, Sir, as the Leader of the House he claims priority. As a Member of the Government he gives his consent. As a Member of the House he moves this motion. This is rather extraordinary and he will advise the Governor not to disallow the motion. I say that is autocracy, Sir ; you ought to help us.

" Then, Sir, if this is a special kind of motion which is not a resolution I submit you cannot bring it under Standing Order No. 30 except by saying that it does not raise substantially the same issue as it is not brought within the same session. My point is this :—Is it contended that rule 24-A is self-contained ? Rule 24-A no doubt lays certain restrictions with regard to the kind of matter that has to be brought and with regard to previous consent. I submit it cannot be contended for one moment that it is self-contained or exhaustive of all possible restrictions that can be brought forward under the rules, as if you can have budget motions or legislative motions. If the rule were self-contained, it should be equally open to you to disallow such motions which are provided for by other rules."

* The hon. the PRESIDENT :—" Budget motions and legislative motions are also provided for in the rules."

* Mr. S. SATYAMURTI :—" Therefore what I want to submit is that you can bring forward one class of motions under rule 24-A. You cannot bring forward other matters because they are provided for in other rules."

* The hon. the PRESIDENT :—" Motions other than resolutions and motions other than those which are provided for by the rules have all been variously provided for. Those that are not provided for by the two classes are those covered by the last portion of 24-A."

* Mr. S. SATYAMURTI :—" Therefore resolutions are also provided for under the rules. Therefore you must exclude budget motions and legislative motions only on the ground they are otherwise provided for in the rules. Therefore I say that you ought to construe this class of public business as a class of business provided for in the rules. If they are so provided, a further class of resolutions is provided for in this rule, namely, resolutions which shall dispense with notices of ballot. My point is that you cannot avoid Standing Orders Nos. 54 and 55. Now Standing Order 54 says—

'Subject to the restrictions contained in the rules and the Standing Orders any Member may move a resolution relating to a matter of general public interest ·

'Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

'(a) it shall be clearly and precisely expressed and shall raise a definite issue ;

'(b) it shall not contain arguments, inferences, ironical expressions or defamatory statements nor shall it refer to the conduct or character of persons except in their official or public capacity.'

" Then, I submit, Sir, if it is argued that rule 24-A is self-contained you need not attract the previous Standing Orders to govern the admissibility of such motions. They may be loosely expressed, they may be indistinctly expressed, they may not contain definite issues, they may contain ironical or defamatory statements, and they may also refer to the conduct or character of persons in their private capacity. I do not think it will be contended by anybody that such motions can be moved. They are prohibited only by Standing Orders which govern resolutions only. I submit that Standing Order No. 65 which also governs the moving of resolutions must be equally held applicable to the moving of motions under rule 24-A just a

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you hold Standing Orders No. 54 or 55 applicable to these motions. The only other matter that seems to weigh with you is the use of the word 'subjects' in rule 24-A (2). Rule 24-A (2) says—

'It shall not be permissible to the President or to the Member of the Government concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved and the decision of the Governor on the point whether any motion is or is not within the restrictions imposed by sub-rule (1) of rule 23 shall be final.'

"My submission is that it is not an exhaustive rule of exclusion. It is only one of the many rules which are enforced before a motion is admitted. Why, for example, rule 23 only prohibits the classes of subjects to be moved as resolutions. But I submit with some confidence that your predecessors have uniformly held that Standing Orders Nos. 54 and 55 govern the moving of resolutions. Therefore rule 23 has not been considered once and for all to cover exhaustively the nature and form of resolutions, although it has been held to decide the question as to what subjects shall not be included in the resolutions. You must consider it as one of the many rules governing resolutions. Secondly it is said that the decision of the Governor shall be final. Does it mean that there is no scope for your decision? If it is contended that no further restriction shall bind the Governor in allowing or disallowing a motion under rule 23, it must follow that the Governor's decision having been made final, there is no scope for discussion here at all."

* The hon. the PRESIDENT:—"Rules 23 and 24 refer to the scope and nature of resolutions, whereas the Standing Orders refer to the form of resolutions. Standing Orders refer to the form whereas the rules refer to the scope of resolutions."

* Mr. S. SATYAMURTI:—"Quite right. I take it that you will have to work the rules with regard to the scope of the resolutions and the Standing Orders with regard to their form."

* The hon. the PRESIDENT:—"I do not quite follow you. I will have to see first as to the form of resolutions."

* Mr. S. SATYAMURTI:—"You will have to look to both. Simply because they are in form you will not admit them. Nor will you admit them simply because they conform to the rules with regard to the scope of the subject unless they are in form. Therefore you will have to look to both. Now I want you to go one step further and enforce Standing Order No. 65 also. With regard to the time there are rules and Standing Orders which you no doubt must take account of, so long as the Standing Orders are not repugnant to the rules. Standing Order No. 65 cannot by any stretch of imagination be contended to be repugnant to these rules. Therefore I submit in giving effect to Standing Order No. 54 or 55 with regard to the form of resolution you exercise the power vested in you by rule 24-A. I ask you if you are going to enforce Standing Orders Nos. 54 and 55 why you should not enforce Standing Order No. 64 or 65 because Standing Order No. 65 refers to resolutions. It is only to refer to all classes of resolutions Standing Order No. 54 specifically says—

'Subject to restrictions contained in the rules and Standing Orders any Member may move a resolution relating to a matter of general public interest:

'Provided that no resolution shall be admissible which does not comply with the following conditions.'

"Similarly Standing Order No. 55 says—

'The President shall decide on the admissibility of a resolution.'

[Mr. S. Satyamurti] [3rd September 1928

'Therefore in enforcing rule 23 or 24 if you will have to enforce Standing Orders Nos. 54 and 55, Standing Order No. 65 can also be equally held applicable to the admissibility of a motion of this sort, because it is moved before the lapse of a year from the date of the previous resolution.

"One more point. Then, Sir, going back to the wording of rule 24-A (2) it says—

'It shall not be permissible to the President or to the Member of the Government concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved.'

"Taking the word literally can a resolution be moved to-day with regard to the Simon Commission? There is no use of saying that the word 'subject' is there and therefore I will look to nothing else. The point therefore is you shall not allow a motion on a subject on which a resolution cannot be moved at the time at which the motion is sought to be made.

"The question is this: whether you can allow discussion on a subject which is sought to be made as a motion, while a resolution on the same subject cannot be moved. I submit that this is a reasonable construction and it is not an extraordinary construction. It is a natural and reasonable construction adopted in the interpretation of all statutes. It is an undoubted truth that all parts of law should be considered so as not to make one section infructuous or superfluous. The attempt of interpreters should be to reconcile reasonably the whole statute.

5 p.m. "I therefore submit with some confidence that what are intended to be excluded are subjects on which a resolution cannot be moved. If it is argued that we can do it and that the only prohibition is against time, I say, how do we know what might happen six months hence when the resolution will be in order? I want to make two arguments which are my conclusive submissions. The first, Sir, is that you have uniformly worked Standing Orders No. 54 and 55 as bearing upon resolutions in the same way as rules 23 and 24. You have yourself expressed the same view so far as the form of it is concerned. The term used in Standing Orders Nos. 54 and 55 is 'resolution' and in Standing Order No. 65 also it is 'resolutions' I ask you therefore to work rule 24-A, Standing Orders Nos. 65, 54 and 55 together. My second submission is that the word 'subject' in rule 24-A should be construed naturally and in an intelligible way, namely, whether it is a subject on which a resolution can be moved at the time at which the motion is made. To say that we can do it hereafter does not take us far. The question before you is, can a resolution be moved to-day on this subject and debated upon? Therefore, I submit that this motion is wholly out of order."

The hon. the PRESIDENT:—"The Council will now adjourn and re-assemble at 11 o'clock to-morrow."

The House adjourned.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

3rd [September 1928]

Appendix I.

[Vide answer to question No. 9 asked by Mr. G. Harisarvottama Rao at the meeting of the Legislative Council held on the 3rd September 1928, page 20 supra.]

Instructions for ensuring the systematic performance of kudimaramat works by the ryots.

The attention of Collectors is drawn to the necessity of seeing that all officers insist on the *systematic* performance by the ryots of their duties in connexion with the maintenance and repair of irrigation works. In order to ensure that kudimaramat is regularly done by the ryots year by year the following specific instructions are issued.

2. In the ordinary course of his duties in connexion with village accounts Nos. 5 and 20, the Revenue Inspector should inspect all irrigation works, whether major or minor, within his range. While doing so, he should ascertain by personal inspection whether during the past year kudimaramat has been neglected in respect of any irrigation work which he inspects, make a note of each case of neglect and report the cases in his fortnightly diary specifying what item of kudimaramat has been left undone in respect of each work. Similarly, any officer of Government who during his tours of inspection finds that an item of kudimaramat work has been neglected should bring it to the notice of the Tahsildar. On receipt of the Revenue Inspector's diary or a communication from any other officer of Government information regarding neglect of kudimaramat should be posted in columns 1, 2 and 4 of the special register for kudimaramat prescribed for the purpose.

3. When information is received from any other source, i.e., from a ryot or village officer, that some item of kudimaramat has to be done in a village, columns 1 and 2 should similarly be filled up and the Revenue Inspector called upon to inspect and report whether this information is correct and whether action should be taken to enforce the performance of the work by the ryots. The date of the Revenue Inspector's reply and his conclusions, viz., that the work was necessary or unnecessary should be entered in column 3. If the Revenue Inspector reports that the work is unnecessary no further action is necessary, but an entry to that effect should be made in column 4.

4. If, however, the Revenue Inspector reports that the work is necessary, or, if from the Revenue Inspector's diary or from a communication from any other officer of Government it is found that any item of kudimaramat has been neglected, an entry should be made in the personal register and a file opened, and the current number of that file should be noted in column 5 of the kudimaramat register. If the work to be done relates to a minor irrigation work, the Tahsildar should proceed directly to take action for the enforcement of the provisions of section 6 of the Madras Act I of 1858. If the work to be done relates to an irrigation work in charge of the Public Works Department, the Tahsildar should report to the Revenue Divisional Officer who should address the Public Works Department. Column 6 of the Kudimaramat Register will then be filled up. If the Public Works Department intimate that the work should be done by the ryots, the Tahsildar should take the necessary action under section 6 of Act I of 1858.

[3rd September 1928

In taking action under section 6 of Act I of 1858, the Tahsildar should follow the procedure laid down in paragraph 5 of Board's Standing Order No. 86. The procedure in the second sub-paragraph to Board's Standing Order No. 86 (5) should be carefully followed when a co-operative society has been formed for the execution of kudimaramat work under the source.

5. When the Tahsildar receives an intimation from the village officers that the work has been done and by a particular agency, column 7 will be filled up. In cases where the ryots themselves do the work or the work is done by means of co-operative societies, column 8 will be blank, but in other cases the date of the recovery of the full amount of the contribution together with the number and date of the taluk disposal finally closing the case should be noted in column 8.

6. When an irrigation work is first inspected and it is reported that no kudimaramat work is necessary in respect of it entries will be made in columns 1, 2 (and 3) and 4 and not in columns 5 to 8. If subsequent reports also show that no such work is necessary no new entry need be made but additional entry in column 4 should show the date of the report. When a subsequent report shows that kudimaramat repair is necessary a new entry will be made in column 1 as prescribed above in sections 3 and 4.

7. The register should be written up in as many sections as there are firkas. One or more sheets will be allotted to each village, new sheets being added when necessary.

8. The special register will thus serve as a complete record of the progress of kudimaramat work in the taluk, and the Tahsildar, Revenue Divisional Officer and Collector by examining this register can see whether this work is being done systematically or not.

9. A copy of the instructions should be pasted on the front page of the register.

Appendix.

Kudimaramat register for Minor Irrigation and Public Works Department, works, taluk, district.

Name of source. (1)	By whom reported and date of report. (2)	Date and purport of Revenue Inspector's reply, viz., work necessary. / unnecessary. (3)	Nature of kudimaramat work necessary, viz., removal of prickly-pear, silt clearance, etc. If not necessary it should be so noted. (4)	Number and date of corresponding entry in the current register with details of action taken. (5)	Number and date of order to village officers or letter to Revenue Divisional Officer. (6)	Disposal, viz., work done by ryots, done by co-operative societies, done under the Dutch Auction system or done by Government. (7)	If the work was done under the Dutch Auction system or by Government when money was recovered. (8)
	Village.						

APPENDIX II.

[Vide answer to question No. 32 asked by Rao Bahadur Sir A. P. Patro at the meeting of the Legislative Council held on the 3rd September 1928, page 40 supra.]

Name of the estate to which the Forest Act has been extended.	Date of the Government Order sanctioning the extension of the Forest Act.
1. Kangundi	8th October 1884.
2. Marungapuri	20th January 1891.
3. Jeypore	17th June 1891.
4. Saptur	26th January 1893.
5. Vizianagram	15th February 1896.
6. Sivagiri	4th January 1902.
7. Parlakimedi	23rd October 1908.
8. Arni	22nd August 1904.
9. Chattram forests (Tanjore district)	11th October 1909.
10. Vuyyuru	21st October 1910.
11. Chundi	20th May 1911.
12. Jalantra	16th June 1911.
13. Kadavur *	20th October 1911.
14. Chokkampatti mitta	6th March 1912.
15. Thimmajaimma's estate	4th May 1912.
16. Salur	8th June 1912.
17. Kallikota and Atagada estates	12th October 1912.
18. South Valluru	14th October 1912.
19 Agrahara Valavandi mitta	24th July 1913.
20. Mirzapuram	30th September 1913.
21. Punganur	20th December 1913.
22. Kurupam	2nd June 1914.
23. Settur	3rd November 1914.
24. Madgole	23rd September 1915.
25. Berikai	28th September 1915.
26. Yelumalai	9th February 1920.
27. Sivaganga	26th January 1922.
28. Bobbili	24th January 1924.
29. Shulagiri	6th March 1924.
30. Dharakota	18th November 1924.
31. Bissamcuttak	11th October 1926.

* Proposals to continue the application of the Forest Act to this estate was negatived in G.Os. No. 1660, Development, dated 13th October 1927, and No. 81, Development, dated 18th January 1928.

Appendix III.

[Vide answer to question No. 33 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 3rd September 1928, page 40 supra.]

Copy of letter from the Secretary to Government, Development Department, to M.R.Ry. A. B. Shetty Avargal, M.L.C., Editor, "Navayuga," Mangalore, No. 1629 J./28-1, dated the 28th June 1928.

[*Reference.*—Letter, dated 19th May 1928, addressed to the hon. the Law Member.]

I am directed to acknowledge receipt of your letter under reference, and to state that the warning in question is really intended to protect the ryots from the very risk you point out. Government agree with you in thinking that it will be a distinct hardship if the privileges in question were to be withdrawn, but you will agree that it would be an even greater misfortune if by any abuse of the privileges, Government is constrained in public interests to withdraw them.

Appendix IV.

[Vide answer to question No. 44 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 3rd September 1928, page 47 supra.]

Information asked for in clauses (a) and (b) of Question 1842 answered on the 30th March 1928.

1842 *Q.*—(*a*) Whether the working hours of the in-patient department of the General Hospital were from 7 to 12 p.m. some years ago and from 10 a.m. to 1 p.m now;

(*b*) why this change was necessitated in the working hours of the in-patient department of the General Hospital, while in all other medical institutions, both in the City and outside, the morning working hours are from 7 a.m. to 12 noon

A.—(*a*) Prior to 1912 the working hours of the in-patient department of the General Hospital were from 7 to 9 a.m. Now they are from 10 a.m. to 1 p.m.

(*b*) The change was made in the interests of the students of the Madras Medical College and of the patients in the hospital. According to the present working hours, medical students can on the same day work both in the out-patient department and in the wards. Further the early visits of medical officers to the wards were found to be not altogether in the interests of the patients. Before the medical officers can visit the wards, patients have to be washed, beds made and the ordinary morning ward routine carried out. When the visit was at 7 a.m. it meant waking the patient up very early and interfering with the curative action of a good night's rest.

APPENDIX V

[Vide answer to question No. 52 asked by Mr. T. Adinarayana Chettiyar at the meeting of the Legislative Council held on the 3rd September 1928, page 50 supra.]

I

Preliminary report on the Melarasampattu project, Odugathur valley, Vellore taluk, North Arcot district.

Situation.—The site proposed is about one mile to the south of Melarasampattu village, Vellore taluk—across a jungle stream flowing down between two ranges of hills in reserved forest.

A tank may be formed here by bunding up across bund between the two hills in S. Nos. 23, 24 and 25 with a high bank about 50 feet high over the fields with necessary sluices and a surplus escape on the west.

Catchment.—It will have a free catchment basin of 29·19 square miles with 30 feet depth of water over sill of sluice in the tank.

Capacity.—The capacity of the tank will be 113 million cubic feet and with two fillings the annual storage will be 226 million cubic feet which at 0·16 million cubic foot per acre can irrigate about 1,400 acres in the limits of Melarasampattu, Vennantangal and Katterikuppam villages—700 acres in Melarasampattu, 350 in Vennantangal and 350 in Katterikuppam which are all cultivated dry at present.

Rainfall.—There is no rainfall station in the catchment basin. There is one on the hills at Komatiyur which is beyond this basin in the other valley towards Polur, while the other one at Pallikonda is far below in the plains. The rainfall readings at Komatiyur taken periodically once in some days are only approximate. The annual average rainfall as observed at Pallikonda from 1915 to 1924 is 33·08 inches. The average rainfall for the same period during the monsoon months from June to November is 26·98 or say 27 inches. Taking the catchment as an average one for calculating the run-off as per tables on page 22 of the Irrigation Manual by Colonel Ellis, the yield of run-off per square mile is 10·77 million cubic feet, and the total yield = 29·19 × 10·77 or 314·37 million cubic feet against the proposed annual storage of 226 million cubic feet. This leaves a good margin for further improvement and the extension of cultivation, if possible, later on. The catchment is hilly and fully overgrown with thick forest. Assuming a C.B. duty of 50 acres per square mile the tank can command 29 × 50 or 1,450 acres.

The approximate cost of the proposed tank will be Rs. 1 lakh.

Ayacut proposed is 1,400 acres. The extra revenue per acre is Rs. 5 per acre.

Extra revenue on 1,400 at Rs. 5 per acre = Rs. 7,000. The annual maintenance and monsoon damage charges to the tank comes to Rs. 1,100. Deducting this from total revenue of Rs. 7,000, net revenue will be Rupees 7,000 — 1,100 or 5,900, yielding 5·9 per cent on outlay.

The site now proposed is one of several sites in the locality and this is considered to be the cheapest of all.

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During normal years of rain the supply from the catchment basin will be adequate.

The bed of the proposed tank and the sub-soil along the alignment of the bank are of clay and retentive.

The surplus can be safely disposed of over a masonry weir on the left, and distributary channels for irrigation can be easily and economically formed along the hills from the tank to the proposed ayacut below. There is no big cross drainage to be dealt with, except perhaps one at Omayampattu on the right of the stream which has not been inspected by me.

A. W. NIGHTINGALE,
30th March 1927. *Executive Enineer, North Arcot Division.*

II

Letter from A. W. NIGHTINGALE, Esq., Executive Engineer, North Arcot division, Vellore, to the Superintending Engineer, Coimbatore Circle, Coimbatore, dated 1st April 1927, No. 356-S.E.

[SUBJECT.—Melarasampattu project, Odugathur valley, Vellore taluk.]

[*Reference.*—Your No. 664-N.A., dated 10th/11th November 1926.]

Before answering the various points in your letter I would draw your attention to a fact which has been brought to my notice during recent months.

Under present conditions it seems to me that we are not justified in tapping any of the water which would flow down to the Palar. Government has undertaken to supply a very large ayacut under the channels taking off from the Palar anicut and yet some of the tanks, particularly those on the right bank, have received absolutely no water from the system for very many years.

The project under discussion will hold up a considerable quantity of water which would otherwise flow into the Palar, although it seems a fairly good proposition in good years from the point of view of the land to be irrigated. I think that it should be considered whether this and other similar project should be dropped, out of consideration for the ayacut under the Palar Anicut system.

When inspecting we noticed that there was a depression down which the water from surplus would flow, but in order to verify this I have had levels taken from which it will be seen that a small protected training bank will be necessary.

The construction of a masonry dam throughout instead of an embankment with a surplus escape will be prohibitively costly especially in such an out of the way place.

The interested ryots say that they are unable to pay any contribution to the work being poor.

The lands to be cultivated wet are said to be suitable for the purpose, the soil is retentive and there is demand for wet cultivation by the interested ryots in the locality.

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Kidampalayam tank.—This tank has a free basin of 2·75 square miles with one upper tank and its combined catchment is 4·5 square miles (as per Tank Restoration Scheme Memoir, Polur Minor basin) with a maximum flood discharge of 1,342 cusecs, for which the calculated free basin as per formula C. m. 2/3 (Where C = 550) is 3·8 square miles. The ayacut under it is 155 acres. The tank is supposed to get three fillings a year (vide Tank Restoration Scheme Memoir), but as per Tank Restoration Scheme Memoir catchment area the C.B. duty works out to 40 only. Taking other tanks similarly situated at the foot of the hills.

(1) Kadaladi Periya eri of Mambakkam eri group (page 276 of Polur Minor basin), area of free basin 6·7 square miles, against 332 cusecs as per revenue list of irrigation sources.

(2) No. 6 Turingi Kuppam Periya eri of Vadamadimangalam eri group (page 396 of Polur Minor basin), area of free basin 4·3 square miles, ayacut 200 acres.

In these two cases the C.B. duty works to more than 50. It is further pointed out that these tanks are situated at the foot of the hill, whereas the proposed tank is in the midst of hills and several miles above the foot of the same, so a C.B. of 50 may safely be assumed.

No sketches are prepared for masonry works pending approval of site, further investigation and decision of designs, etc.; only approximate lump sums are allowed.

III

Letter from the Superintending Engineer, Coimbatore Circle, to the Chief Engineer for Irrigation, dated 14th April 1927, No. 177 I.

[Melarasampattu project—Odugathur valley.]

I forward herewith preliminary plans and estimate amounting to Rs. 1,00,000 to form a tank in Odugathur valley above the village of Melarasampattu. The preliminary report accompanying the estimate deals with the details of the scheme.

On scrutiny of the preliminary proposals the points raised in this office No. 664-N.A., dated 11th November 1926, were as regards (1) feasibility of surplus escapes, (2) whether a masonry dam would suit the site better, (3) whether any contribution can be expected from the ryots, (4) whether the lands proposed to be brought under wet are suitable for wet cultivation and (5) whether catchment basin duty as 50 acres is based on existing irrigation works in the vicinity. The Executive Engineer's reply No. 356-S.E., dated 1st April 1927, furnishes information on all these points.

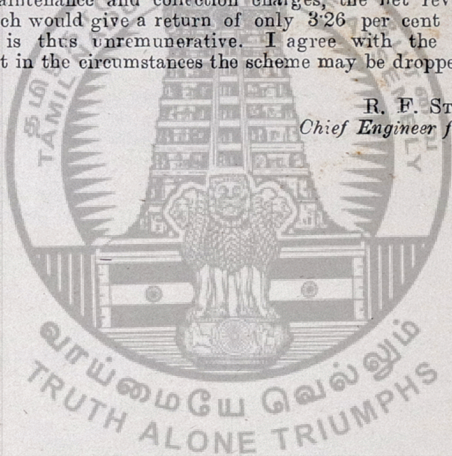
In the circumstances detailed by the Executive Engineer and in view of the facts (1) that the tract is malarial, (2) that the ryots are poor and (3) that except in years of good rainfall the proposed reservoir would be detrimental to the interests of the existing irrigation under the Palar Anicut system, the proposed scheme does not appear to be a remunerative one.

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Endorsement by the Chief Engineer for Irrigation No. 4307/25-*B*-6, *dated the 9th August* 1927.

Apart from the question of the proposed reservoir curtailing the already poor supply in the Palar the scheme itself does not appear to be remunerative. The cost is roughly estimated by the Executive Engineer at Rs. 1 lakh, but the provisions are very approximate and may have to be raised when detailed plans and estimates are prepared. A preliminary examination of the estimate in this office discloses that the estimate amount may go up to Rs. 1·66 lakhs for " works " only and including establishment and tools and plant and indirect charges, the cost is not likely to be less than Rs. 2·12 lakhs. The revenue realizable from the scheme adopting the higher water-rate of Rs. 6 per acre proposed by the Collector would be Rs. 8,400 and deducting maintenance and collection charges, the net revenue would be Rs. 6,930 which would give a return of only 3·26 per cent on the outlay. The scheme is thus unremunerative. I agree with the Superintending Engineer that in the circumstances the scheme may be dropped.

R. F. Stoney,
Chief Engineer for Irrigation.



APPENDIX VI.

[Vide item VIII "Communications to the Council" at page 61 supra.]

List of posts on Rs. 500 per mensem and above created during the quarter ending March 1928.

A.—PERMANENT.

Department and designation of post. (1)	Pay per mensem. (2)	Date of creation. (3)	Remarks. (4)
	RS.		
		Public Health.	
Local Self-Government (Public Health) Department—			
Public Analyst ..	1,750—50—2,050	8th January 1928 ..	Originally sanctioned on a temporary basis. The scale of pay is personal to Mr. Hawley, who was appointed to the post on a contract and has been confirmed in the post from 8th January 1928.

B.—TEMPORARY.

(i) EXTENSION OF PREVIOUS SANCTIONS.

Department and designation of post. (1)	Pay per mensem. (2)	Period of tenure. (3)	Remarks. (4)
	RS.		
		General Administration.	
Public Department—			
Chairman of the Malabar Tenancy Committee.	3,000	From 1st November 1927 to 21st April 1928.	Originally sanctioned for three months from 1st August 1927 and subsequently extended up to 31st March 1928. As the work was not completed within the extended period, a further extension up to 21st April 1928 was sanctioned.

B.—TEMPORARY—*cont.*

(i) Extension of previous sanctions—*cont.*

Department and designation of post. (1)	Pay per mensem. (2) RS.	Period of tenure. (3)	Remarks (4)
		Administration of Justice.	
Law Department—			
Additional Sub-Judge, Tinnevelly.	650	From 1st January 1928 to the commencement of Christmas holidays, 1928.	....
Temporary Sub-Judge, Tellicherry.	650	From 1st January 1928 to the end of December 1928.	....
Additional Sub-Judge, Bapatla.	650	From 1st January 1928 up to the commencement of Christmas holidays, 1928.	....
Additional Sub-Judge, Ramnad at Madura.	650	Do.	....
First Additional Sub-Judge, Coimbatore.	650	From 1st March 1928 up to the end of February 1929.	....
Temporary Sub-Judge, Devakottai.	650	Do.	....
		Civil Works.	
Public Works Department—			
Executive Engineer for the supervision of the Coleroon bridge works.	625—1,375	Three months from 1st January 1928 to 31st March 1928.	Originally sanctioned for one year and nine months from 1st April 1926.
		Co-operative credit.	
Development Department—			
President of the Committee on Co-operation.	3,750	From 8th December 1927 to 26th January 1928.	Originally sanctioned for three months from 8th September 1927.

Secretary to the Committee on Co-operation.	Pay in the Indian Civil Service cadre plus a special pay of Rs. 200.	From 1st January 1928 to 11th February 1928.	Originally sanctioned for four months from 1st September 1927.

(ii) POSTS NEWLY CREATED.

General Administration.

Public Department—			
Special Officer for the Madras Record Office.	3,000 plus overseas pay £13-6-8 per mensem.	From 10th January 1928 to 15th March 1928.	The hon. Mr. H. A. B. Vernon was appointed to this special duty to investigate the working of the Madras Record Office and the progress made on the work of the gazetteer revision. He also represented the Government of Madras during this period on the Council of State.
Collector	2,500 plus overseas pay Rs. 300 per mensem.	From 26th January 1928 to 2nd April 1928.	This appointment was created for Mr. V. P. Rao, I.C.S., who was a nominated Member of the Legislative Assembly.

Administration of Justice.

District and Sessions Judge.	2,050	From 28th September 1927 to 2nd January 1928.	Mr. K. P. Lakshmana Rao was appointed as one of the commissioners for the trial of petitions presented against elections to the Kistna non-Muhammadan Rural Constituency in 1926. To provide for this appointment a temporary post of District and Sessions Judge was created.
Do	2,150 plus overseas pay £30 per mensem.	From 25th January 1928 to 1st April 1928.	This appointment was created for Mr. R. H. Courtenay, I.C.S., who was a nominated Member of the Legislative Assembly.

B.—TEMPORARY—*cont.*

(ii) Posts newly created—*cont.*

Department and designation of post. (1)	Pay per mensem. (2) RS.	Period of tenure. (3)	Remarks. (4)
		Administration of Justice—cont.	
Law Department—			
Second Additional Sub-Judge, Trichinopoly.	650	From February 1928 to the commencement of the summer recess, 1928.	....
Appointment of an Additional Sub-Judge, Bezwada.	650	From 5th March 1928 till the commencement of the summer recess, 1928.	....
		Industries.	
Development Department—			
Superintendent, School of Arts and Crafts.	600—50—1,000	For one year from 28th January 1928.	Created in lieu of a post in the Indian Educational Service which is held in abeyance.

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APPENDIX VII.

[Vide item VIII "Communications to the Council" at page 61 supra.]

Statement of Resolutions passed by the Madras Legislative Council during the Second Session, 1927–28, and the action taken thereon by the Government.

Serial number and subject of the resolution.	When passed by the Council.	Nature of action taken by Government.
1. Not to sanction any town-planning or town-improvement schemes of local bodies unless such schemes make adequate provision by way of suitable house-sites and liberal building grants for the rehousing of persons of the depressed classes displaced by the execution of the schemes.	23rd August 1927.	The resolution as passed by the Legislative Council was communicated to all local bodies for information and guidance in connexion with the preparation and execution of town-planning or town-improvement schemes (vide G.O. No. 1734, P.H., dated 7th September 1927).
2. Appointment of a committee to enquire into and report on the grievances of non-gazetted officers.	21st October 1927.	For the reasons stated by the hon. the Revenue Member during the debate, the Government are unable to accept the resolution.
3. Total prohibition of drink in the Madras Presidency within the course of twenty years to be declared by the Government to be their goal.	22nd October 1927.	The resolution was considered by the Excise Advisory Committee and the steps recommended by it are under the consideration of the Government.
4. Release of M. P. Narayana Menon, a Malabar rebellion prisoner.	4th November 1927.	Recorded as adequate surety was not forthcoming that Narayana Menon would abide by the conditions on which the Government were prepared to release him.
5. Prevention by legislation of the practice of dedicating girls and young women to Hindu temples.	5th November 1927.	Forwarded to the Government of India.
6. Exemption of poor girls reading in classes up to III form from the payment of fees	Do.	The Director of Public Instruction has been asked to furnish a detailed estimate of the expenditure involved in giving effect to the resolution.
7. Reduction of the rate of interest on loans advanced to ryots under the Land Improvement Loans Act and the Agricultural Loans Act from 7½ per cent to 5 per cent, the rate levied in the pre-war days.	24th January 1928.	The Government are investigating the question in consultation with the Board of Revenue. The present rate is not, however, 7½ per cent nor was the pre-war rate 5 per cent.
8. To carry out the necessary permanent repairs to the Manur channel and anicut.	Do.	A report from the Collector of Tinnevelly and the Chief Engineer for Irrigation on the question of the improvements and repairs necessary to the channel was called for. The report from the Collector has been received and the Chief Engineer for Irrigation has been asked to submit an approximate estimate of cost of the proposed improvements to this as well as the Marundai channel.

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Statement of Resolutions passed by the Madras Legislative Council during the Second Session, 1927-28, and the action taken thereon by the Government—*cont.*

Serial number and subject of the resolution.	When passed by the Council.	Nature of action taken by Government.
9 Appointment of a committee to consider the problem of physical education in the Presidency.	24th January 1928.	A committee has been appointed by the Government [vide G.O. No. 1315, Law (Education), dated 15th June 1928].
10. Appointment of a Muhammadan as a High Court Judge in Madras.	Do.	There has been no permanent vacancy in the High Court since the above resolution was passed. The resolution will be considered when occasion arises.
11. Appointment of a committee to investigate into the schemes of the high flood channel from the Kistna beginning from Mulapadu.	Do.	The Chief Engineer for Irrigation was asked to report on the points raised in debate by the hon. Mover of the resolution as promised by the then Law Member. His report has just been received and is under consideration.
12. To sanction a special and liberal grant to the Women's Home of Service, Mylapore.	Do.	Even prior to the passing of the resolution the Home of Service, Mylapore, had been liberally treated by the Industries department in the matter of grants. The Government had also in an order issued in September 1927 asked the Director of Industries to consider the question of making more liberal grants in future. As, therefore, no special action was called for in the matter by the Government in the Development Department, the resolution was considered further by the Government in the Education Department. As a result of this the Director of Public Instruction was furnished with a copy of the discussions on the resolution for consideration of the matter when an application for grant is received and for submission of his recommendations, if any, to the Government in the usual course.
13. Disapproval of the Statutory Commission.	25th January 1928.	The proceedings of the Council were forwarded to the Government of India.
14. The Kallar reclamation work to be transferred from the Police Department to the Revenue Department.	27th February 1928.	It has been decided that no action need be taken on the above resolution.
15. To immediately take up the investigation of the Tungabhadra project.	Do.	The resolution has been accepted by Government and a special division has been sanctioned for the investigation of the project.
16. To communicate to the Government of India that in the opinion of this Council the marriageable age of boys and girls should be raised by legislation to 21 and 16 respectively.	27th March 1928.	Forwarded to the Government of India.

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APPENDIX VIII.

[Vide item VIII "Communications to the Council" at page 61 infra.]

G.O. No. 1395 I., dated 26th May 1928.

* * * * * *

Under section 72-D (2) (b) of the Government of India Act, 1919, His Excellency the Governor authorizes the expenditure of Rs. 43,125 on improvements to the head sluice at Tamarapak anicut and to the upper supply channel leading from the anicut to the Sholavaram tank, Red Hills Water-supply and Irrigation system.

APPENDIX IX.

[Vide item VIII "Communications to the Council" at page 61 supra.]

NOTIFICATION.

Fort St. George, April 11, 1928

(*G.O. Mis. No.* 1610, *L. & M.*).

No. 497.—The Government, being of opinion that the Municipal Council of Ellore is not competent to perform the duties imposed upon it by law, hereby direct under sub-section (1) of section 11 of the Madras District Municipalities Act, 1920, that it shall be superseded for a period of one year from noon on the 20th April 1928.

S. RANGANATHAN,
Acting Secretary to Government.

APPENDIX X.

[Vide item VIII "Communications to the Council" at page 61 supra.]

REVENUE DEPARTMENT.

Correspondence to be placed on the table of the House with reference to Legislative Council Questions No. 549 *answered on* 25*th March* 1927 *and No* 711 *answered on* 20*th October* 1927.

[Irrigation—Kistna Eastern delta—Irrigable ayacut—Inclusion of lands.]

I

[Irrigation—Kistna Eastern delta—Irrigable ayacut—Inclusion of lands—Legislative Council Question No. 549.]

The attention of the Board of Revenue is invited to the copy of the question No. 549 and the answer given thereto, forwarded with Government Official Memorandum No. 1794-B/27-1, dated 3rd June 1927 . . . The Board of Revenue is now requested to submit at a very early date a self-contained report on the following points :—

(*a*) The extent of land originally selected for inclusion in the ayacut of the Kistna Eastern delta in 1924.

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(*b*) The number of acres out of the extent so selected for inclusion in the ayacut for which the inclusion fee was paid.

(*c*) Whether it is a fact that the owners of some of the poorer of the lands so selected for inclusion did not pay the inclusion fee before the prescribed date but applied for the inclusion of their lands and ask for the remission of the inclusion fee, and that the Collector did not pass any orders on those applications, but has been collecting penal assessment on the lands.

(*d*) The number of acres on which penal assessment has been collected during the last three years in the case of (i) lands which were selected for inclusion but for which inclusion fees were not paid before the prescribed date, and (ii) lands which were included in the ayacut on payment of the inclusion fee, with the reasons for the levy of penal assessment on lands which have been actually included in the ayacut.

(*e*) The steps taken to improve the irrigation and drainage facilities for the lands included and to be included in the ayacut on payment of the inclusion fee.

II

The answers to the points mentioned in the Government Memorandum are as follows :—

(*a*) 33,736 acres.

(*b*) The inclusion fee had been paid on 28,924 acres up to the end of June 1927.

(*c*) The Collector reports that 46 applications were received for remission of the inclusion fee. Of these, 43 applications were rejected after due enquiry and the remaining 3 applications are pending final enquiry. The Collector has not however stated whether he was collecting enhanced water-cess on the lands covered by the applications for remission before final orders were passed rejecting the applications. As 43 out of 46 applications were rejected and the remaining 3 are under consideration, the information is perhaps not necessary.

(*d*) (i) Enhanced rates of water-cess were levied on lands selected for inclusion in the ayacut and for which no inclusion fee had been paid on the following extents :—

Fasli 1334	Nil.
„ 1335	456·26½ acres.
„ 1336	407·55 „

(ii) Enhanced rates of water-cess were not levied in any fasli on lands notified for inclusion and on which inclusion fees had been paid in a previous fasli or before the lands were azmaished in that fasli.

(*e*) The newly-included lands lie in patches scattered over the whole delta and no special addition to the existing facilities was necessary except by way of granting additional off-takes or increasing the size of the existing off-takes. This has been done in all cases. The included lands have also shared in the recent general improvements to the irrigation system including the erection of 6-foot shutters in the Bezwada anicut . . .

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III

[Irrigation—Kistna Eastern delta—Irrigable ayacut—Inclusion of lands—Legislative Council Question No. 549.]

In the case of item (*c*), the Board of Revenue is requested to ascertain from the Collector and report whether penal water-rate was being collected on the lands covered by the applications for the remission of the inclusion fee, before final orders were passed rejecting the applications for remission.

2. The Board's reply to item (*d*) (ii) is not clear. The point on which information was required was the number of acres on which penal water-rate was collected during the last three years in the case of *lands which were included in the ayacut* on payment of the inclusion fee with reasons for the levy of such penal water-rate. The Board has reported that enhanced rates of water-cess were not levied in any fasli on lands notified for inclusion and on which inclusion fees had been paid in a previous fasli or before the lands were azmaished in that fasli. This would seem to imply that penal water-rate was levied in some cases on lands notified for inclusion and on which inclusion fees were paid during the fasli in which the penalty was levied. The Government do not understand why penal water-rate was levied on such lands. The Board is requested to explain its report more clearly, and give a specific answer to item (*d*) (ii).

IV

[Collector's letter.]

1. *Item* (*c*).—Enhanced rates of water-cess have been charged in the case of dry lands selected for inclusion in wet ayacut and covered by applications for remission of inclusion fee even before final orders rejecting them were passed, in accordance with a notification published in the district gazette under date 16th May 1925 that enhanced water-rates will be charged with effect from fasli 1335 in the case of lands selected for inclusion and for which inclusion fees had not been paid.

2. *Item* (*d*) (ii).—The original date fixed for the acceptance of inclusion fees (30th June 1925) had long expired. But fees are now being accepted as a matter of grace. If the application for payment of inclusion fee is received early in the fasli and the fees accepted, no enhanced rates of water-cess are being charged. If inclusion fees have not been paid before the fields are azmaished, the irrigation will of course be booked as irregular. Inclusion fees may be accepted between the time of azmaish and the passing of orders on the No. 6 account and in such cases it may happen that enhanced water-rate is imposed. Such enhanced water-rate would probably be cancelled by the jamabandi officer or by me if brought to my notice as has been done by me in the recent jamabandi of Gannavaram taluk, but I cannot say definitely that no cases have occurred in which enhanced water-cess has been collected in these circumstances. If any such cases are brought to my notice, I will deal with them on their merits.

3. I would add that the grant of permission to pay inclusion fees after the published date is after all a concession and that after full discussion of the question in my predecessor's time, it was decided that the Collector should have full discretion in including the land in ayacut provided that the acreage fixed is not exceeded.

V

[Board's Resolution.]

Submitted to Government.

2 Irrigation of dry lands before the payment of the inclusion fee is irregular and the levy of penalty was not unjustified; but even in these cases the Collector has stated that he will consider on its merits the question of remitting the penalty if specific cases are brought to his notice.

VI

G.O. Mis. No. 1028, *Revenue, dated* 10*th May* 1928.

Recorded.

(By order of the Governor in Council)

J. F. Hall,
Secretary to Government.

Appendix XI.

[Vide item VIII "Communications to the Council" at page 61 supra.]

Development Department.

COMMUNICATION TO THE COUNCIL.

With reference to the answer given to the supplementary question to question No 1820 at the meeting of the Legislative Council held on 29th March 1928, the following report is laid on the table :—

Letter from C. A. Henderson, Esq., I.C.S., Collector of Ganjam, to the Secretary to Government, Development Department, dated Chatrapur, the 30th March 1928, L. Dis. No. 1730/28.

[Forests—Dharakota estate—Reservation—Interpellation in Legislative Council—Reply furnished.]

[Reference—Secretary to Government, Memorandum No. 712-1/28-1, dated 6th March 1928, and reminder dated 21st March 1928.]

I submit the following information on points (*b*), (*c*) and (*d*) :—

Point (*b*)—The Revenue Divisional Officer, Ghumsur, convened a meeting with the President of the Dharakota Ryots' Association, and some of his members, the Raja's Manager and the District Forest Officer, and reported that the ryots did not raise any objection to the reservation of the proposed areas. Mr. Galletti also inspected six blocks and remarked that the ryots' representative took no objection to their reservation. A list of the species of wood prohibited is enclosed.

Point (*c*).—Only two cases were filed in the Taluk Magistrate's Court, Aska; in one case (C.C. No. 59 of 1927), the accused were acquitted and the other C.C. No. 14 of 1928 is pending.

Point (*d*).—The reservations were made leaving a reasonable margin of unreserve for the ryot population. Generally 1 to 2 chains were set apart for grazing and other purposes.

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Enclosure

Schedule of rates fee on forest produce leviable in the Dharakota estate.

Number and name.	Cart-load. RS. A. P.	Head-load. RS. A. P.	Kavadi-load. RS. A. P.
Class I.			
1. Holondo	}		
2. Mahalimbo	5 0 0	0 4 0	..
3. Pasi	}		
4. B. Bandhono	For local consumption.		
5. Kusam	7 8 0	0 6 0	..
6. Arjuno	For export beyond estate limit.		
Class II.			
7. Dhow	}		
8. Salapo			
9. Jamo			
10. Chinangi			
11. Sundurugundi			
12. Korra	2 8 0	0 2 0	..
13. Mundi mundi			
14. Koito			
15. Sahojo			
16. Soropotrimohi			
17. Korada			
18. Gombhari	}		
Class III.			
19. Sirisi	}		
20 Guares	1 4 0	0 1 0	..
21. Kosi	}		
22. Thalo	2 8 0 per tree	..	..
23. Khojiri	1 0 0 ,,	..	..
24. Fuel from unreserved forests	1 8 0	0 1 0	..
25. Bamboos from unreserved forests	}		
26. Charcoal	1 8 0	0 1 6	0 3 0

Minor forest produce.

	RS. A. P.		
27. Rough stone	0 1 0	..	..
28. Dressed stone	0 2 0	..	..
29. Metal and gravel	0 0 6	..	..
30. Lime stone	0 0 6	..	..

[Rough stone includes undressed burnt stone and every kind of stone that has not been chiselled.]

	RS. A. P.	
31. Talary (leaves)	0 0 6	per kavadi.
32. Grazing fee	0 4 0	per goat within the estate.
	0 6 0	for goats of other taluk.
33. Tamarind	0 1 0	per viss.
34. Mangoes	0 2 0	per hundred.
35. Shikaya	0 6 0	per viss.
36. Honey	1 0 0	,,
37. Sundaragundi	0 12 0	,,
38. Thatching grass	0 1 0	per head-load.
39. Siyali fibre	0 0 6	,,
40. Wax	0 4 0	per viss.
41. Nux vomica seeds	0 1 0	per head-load.
42. Rela bark	1 0 0	per sack.
43. Horada (myrabolam)	0 2 0	per head-load.
44. Cleaning nuts	0 1 0	,,
45. Omala	0 2 0	,,

A. McG. C. Tampoe,
Secretary to Government.

To the Secretary to the Legislative Council

[3rd September 1928

APPENDIX XII.

[Vide item VIII " Communications to the Council at page 61 supra.]

DEVELOPMENT DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the first sentence of the answer given to clause (c) of question No. 1770 at the meeting of the Legislative Council held on 17th March 1928 the following report is laid on the table :—

Legislative Council Question No. 1770 *answered on* 17*th March* 1928.

Report of the Assistant Industrial Engineer, Tanjore, No. 117–28, dated the 11th March 1928.

I have the honour to forward herewith the following statements showing particulars regarding the activities of the Industrial Engineering branch, Tanjore district, from 1920–21 up to date. The division was formed only in September 1920 and so particulars for the previous years are not available.

1. Information and advice.
2. Erection of machinery.
3. Systematic inspection of installations.
4. Hand-boring operations.
5. Pumping operations.
6. Value of services rendered to other Government departments.
7. Exhibitions.

No boreholes were connected during the years 1920–21 to 1927–28.

Six investigations were made on applications for State aid. But no loans were sanctioned.

Demonstration of the departmental plants were made almost every year during exhibitions on the occasions of conference held in the district.

Several enquiries for general advice not requiring investigation of sites were also replied to.

1. Information and advice.

Year.	Advice regarding erection of plants.	Inspection prior to compounding.	Inspection for use of test engine.	Advice for use of boring set.	Inspection regarding condition of plant and general advice.	Investigation for State aid.	Total.
1920–21 ..	1	2	..	..	2	..	5
1921–22 ..	2	..	..	..	..	1	3
1922–23 ..	7	2	1	..	1	..	11
1923–24 ..	4	..	..	2	..	1	7
1924–25 ..	7	1	4	..	4	..	16
1925–26 ..	6	1	4	..	..	1	12
1926–27 ..	7	2	..	3	2	3	17
1927–28 ..	5	..	2	1	..	..	8
Total ..	39	8	11	6	9	6	79

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2. Erection of machinery.

Year.	Irrigation plant.	Industrial plant.	Combined.	Electrical.	Total number of plants.	Total horse-power erected.
1920-21	..	..	..	..	..	..
1921-22	..	..	..	..	..	..
1922-23	..	6	..	..	6	100
1923-24	..	8	..	..	8	104
1924-25	..	4	1	..	5	111½
1925-26	..	8	1	1	10	217½
1926-27	..	8	..	1	9	161
1927-28	1	7	..	..	8	172½
Total ..	1	41	2	2	46	866½

3. Systematic inspection of installations.

Year.	Irrigation plant.	Industrial plant.	Combined.	Electrical.	Total number of plants compounded.	Total horse-power compounded.
1920-21	..	34	2	..	36	640½
1921-22	..	34	3	..	37	694
1922-23	1	28	2	..	31	678½
1923-24	..	33	2	..	35	785½
1924-25	6	58	2	..	66	1,247¼
1925-26	1	42	6	..	49	951
1926-27	2	38	2	6	48	934
1927-28	2	35	3	4	44	924
Total ..	12	302	22	10	346	6,853¾

4. Hand-boring operations.

Year.	Number of borings done.	Number of feet bored through. FT.	IN.
1920-21	9	815	0
1921-22	6	629	6
1922-23	5	475	6
1923-24	17	1,353	9
1924-25	7	1,553	0
1925-26	9	1,100	0
1926-27	11	910	0
1927-28	8	807	9
Total ..	72	7,644	6

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5. Pumping operations.

Year.	Number of applications disposed of.
1920–21	2
1921–22	4
1922–23	2
1923–24	2
1924–25	1
1925–26	5
1926–27	3
1927–28	..
Total ..	19

6. Value of services rendered to other Government departments.

Year.	Value of services rendered. RS.	A.	P.
1920–21	..		
1921–22	..		
1922–23	80	8	0
1923–24	295	0	0
1924–25	25	0	0
1925–26	477	8	0
1926–27	30	0	0
1927–28	195	0	0
Total ..	1,103	0	0

7. Exhibitions.

Year.	Number of exhibitions.
1920–21	..
1921–22	1
1922–23	1
1923–24	1
1924–25	..
1925–26	1
1926–27	1
1927–28	1
Total ..	6

FORT ST. GEORGE,
15th May 1928.

A. McG. C. TAMPOE,
Secretary to Government.

To the Council office.

APPENDIX XI.

[Vide item VIII "Communications to the Council" at page 61 supra.]

DEVELOPMENT DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the answer given to Question No. 1805 (starred) at the meeting of the Legislative Council held on the 29th March 1928, the following report is laid on the table :—

LEGISLATIVE COUNCIL QUESTION NO. 1805 (STARRED) ANSWERED ON 29TH MARCH 1928.

Two lists of Adi-Dravida co-operative societies in the Malabar district under the control of the Co-operative and Labour departments are appended. It will be seen therefrom that the ten societies in charge of the Honorary District Labour Officer are of recent origin and that out of the eleven societies in charge of the Co-operative department, five are fairly satisfactory, five are bad and one is new. The Adi-Dravida societies in Malabar are receiving at the hands of the department that attention which other societies in other districts similarly situated are receiving. The case of societies classed as bad in the list is not very serious, the arrears in respect of which they have defaulted, being only small sums.

There are no non-credit Adi-Dravida societies and all the twenty-one societies referred to are credit societies.

FORT ST. GEORGE, 31st *July* 1928.

A. McG. C. TAMPOE,
Secretary to Government.

Appendix.

Particulars of Adi-Dravida societies organized by the Labour department.

Serial number and number and name of the society.		Date of starting the society.	Number of members at present.	Paid-up share capital at present.	Borrowings from outside, if any.	Outstandings against members.	Overdues from members to society.	Remarks.
				RS. A. P.		RS.	RS.	
1. Vengara	F. 835	10th October 1927	58	67 4 0	Nil.	40	Nil.	Fairly good.
2. Ferok	F. 836	13th October 1927	46	73 6 6	Nil.	60	Nil.	Do.
3. Vallikunnu	F. 837	22nd October 1927	21	32 9 0	Nil.	32	Nil.	Do.
4. Beypore	F. 840	13th December 1927	42	27 8 0	Nil.	22	Nil.	Do.
5. Mannur	F. 841	15th December 1927	15	5 13 0	Nil.	Nil.	Nil.	Not good.
6. Kallepully	F. 853	7th January 1928	30	9 12 0	Nil.	Nil.	Nil.	Do.
7. Kizharujur	F. 852	7th February 1928	22	15 8 0	Nil.	10	Nil.	Fairly good.
8. Ramanthali	F. 850	28th February 1928	21	18 6 0	Nil.	12	Nil.	Not good.
9. Pozanchanur	F. 854	29th February 1928	25	14 12 0	Nil.	10	Nil.	Good.
10. Pattambi	F. 838	19th October 1927	17	11 0 0	Nil.	5	5	Bad.

Particulars of the Adi-Dravida societies in the Malabar district organized by the Co-operative department.

Name of the Co-operative Society.	Date of starting.	Share capital.	Members' deposits.	Non-members' deposits.	Other loans.	District bank loans.	Overdues to bank.	Outstandings. Number.	Outstandings. Amount.	Overdues. Number.	Overdues. Amount.	Remarks.
		RS. A. P.	RS.	RS. A. P.	RS.	RS.	RS.		RS. A. P.		RS. A. P.	
1. 3920 Perinthalamana Cheruvu.	7th December 1919.	12 0 0	..	100 0 0	..	36	6	14	162 0 0	14	162 0 0	To be rectified bad.
2. 3972 Calicut Adi-Dravida Co-operative Society.	28th November 1919.	428 2 0	..	..	..	175	100	41	663 0 0	41	663 0 0	To be liquidated.
3. 4685 Cannanore Adi-Dravida Co-operative Society.	7th April 1920.	518 15 0 524 7 0	1	22 0 0	..	..	..	41 43	571 1 0 616 1 0	39 37	533 1 0 522 1 0	Bad.
4. 4968 Palghat Nandanar.	26th April 1920.	159 6 0	1	22 0 0	..	..	..	12	121 9 0	12	121 9 0	Do.
5. 5784 Madayi Adi-Dravida Co-operative Society.	1st May 1921.	240 8 0	..	..	..	..	..	34	347 0 0	19	158 6 0	Fair.
6. 7498 Payyanur Adi-Dravida Co-operative Society.	30th May 1922.	135 8 0	..	..	..	..	..	44	140 0 0	24	72 0 0	Do.
7. 7796 Mattoor Adi-Dravida.	20th December 1922.	263 8 0	..	4 8 0	..	..	..	36	298 0 0	21	137 0 0	Do.
8. 8021 Elom Adi-Dravida.	23rd March 1923.	150 12 0	..	..	..	..	..	29	159 14 0	21	124 14 0	Bad.
9. 10030 Azhikkode Adi-Dravida.	29th June 1924.	288 12 0	..	..	..	..	..	61	294 0 0	30	117 0 0	Fair.
10. 10737 Marash Adi-Dravida.	28th March 1925.	358 8 0	..	..	..	..	..	33	312 0 0	19	118 0 0	Do.
11. 3724 Kadamma Cheruvu.	8th August 1926.	5 4 0	..	..	11	150	..	17	130 0 0	..	..	New society.


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS